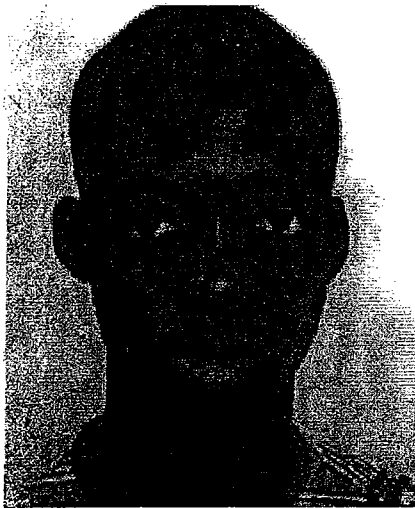


UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

IBRAHIMA MBODJI,)	Case No. 08cv0517-JLS (NLS)
)	A98-807-641
Petitioner,)	
)	
vs.)	
)	EXHIBITS
MICHAEL CHERTOFF, Secretary)	
of Homeland Security, et al.,)	
)	
Respondents.)	

U.S. Dep't of State database printout re Mbodji's nonimmigrant visa application. . .	1
Criminal history documents.	2-5
Form I-213 (Record of Deportable/Inadmissible Alien) dated July 17, 2006.	6-7
Form I-862 (Notice to Appear) and accompanying documents.	8-14
Immigration Court hearing notices.	15-19, 23-26, 28-31, 35-37
Letter dated Oct. 8, 2006, from Mbodji to DHS.	20
Letter dated Nov. 1, 2006, from DHS to Dep't of State.	21
Immigration Judge's order dated Sep. 7, 2006, lowering bond to \$7500.	22
Notice of Entry of Appearance of Attorney dated Oct. 4, 2006.	27
DHS custody reviews.	32-34, 57-73
IJ's removal decision and order.	38-49
BIA pleadings and notices.	50-55
BIA's decision dated May 29, 2007.	56
Ninth Circuit Docket in <u>Mbodji v. Mukasey</u> , No. 07-72503.	74-78

**Issuing Post Name**

DAKAR (DKR)

Control N

2000285

Surname

MBODJI

Given Name

IBRAHIMA

**Passport
Number**99FB6272199,
Regular**Gender**

Male

Date of Birth

26DEC1982

Nationali

SENG

Place of Birth

Senegal (SENG)

10 Prints

Not Available

Fingerprint 1

Fingerprint not Available

Fingerprint 2

Fingerprint not Available

DHS FIN**Class**

B1/B2

Entries

1

Issue Date

12-DEC-2000

Expiration Date

11-MAR-2001

Foil Num

42681211

Annotation

VACATION, NYC 1 WEEK, LATE DEC 2000.

TRAVEL WITH FATHER, ALIOU MBODJI, 21 MAY 55,

HOLDER OF SENEGALESE PPT 94AP212095.

Adjudication History**Adjud Date**

12-DEC-2000

Status

Issued

Foil History**Foil Number**

42681211

Class

B1/B2

Date Printed

12-DEC-2000

Foil Status

Printed and passed QA

Namecheck(s)**Seq #**

1

Status

RECEIVED

Source

CLASS

DNC/Class Hits

0

**DNC/Class
Hit**

NR

San Diego Sheriff's Department

Inmate Detail Report

PERSONAL

Last: MBODJI
First: IBRAHINA
Middle:
Sex: M
DOB: 12/26/1982
Age: 23
Birth Place: DAKAR, SG
SSN:
RI System #: 06194-021152
Gang Flag:
Inmate Loc.:
DNA Status: Not Required
Citizenship: SENEGAL
English Ability: Good
Height: 5' 06"
Race: BLACK
Hair: BLACK



JIM#: 400021389
BK#: 6419877
CLASS: 2
LOW/MEDIUM
Language: ENGLISH
Foreign Notify: N
Weight: 120 lbs.
Eyes: BROWN
Total Bail: \$0.00

Arr. Agency: Oceanside Police Dept.
Arr. Location: 504 GREENBRIER DR
Officer: PEREZ
Officer ID: 1197
Arr. Date: 07/12/2006
Custody Days: 6
Booking Date: 07/12/2006
Booking Time: 23:12:42
Jail: VDF Vista Detention Facility
Area/HU/Cell: X//
Holds:
Arrest Type: FIELD ARREST
Date Released:
Release Type:
Early Release Date:

Remarks (1st Arr.):

CHARGES

<u>Arr#</u>	<u>Arrest Date</u>	<u>Chg</u>	<u>Section Code</u>	<u>Description</u>	<u>Court Case</u>	<u>Bail Amount</u>	<u>Dispo Type</u>	<u>Dispo. Date/Time</u>	<u>ROC</u>
3	07/14/2006	1	8 1251 US	DEPORTATION PROCEEDINGS		\$0.00	INS	07/17/2006 02:37	
2	07/13/2006	1	HOLD	Rel Dt/Tm: 07-14-2006 1946 Agenc INS		\$0.00	RBHD	07/14/2006 19:46	
1	07/12/2006	1	273.5(A) PC	INF CORP INJ:SPOUSE/COHAB		\$0.00	(B)1	07/14/2006 19:46	

COURT

<u>Appearance</u>	<u>Destination Court</u>	<u>Date</u>	<u>Time</u>	<u>Arrest</u>
-------------------	--------------------------	-------------	-------------	---------------



OFFICIAL RAP SHEET COVER SHEET

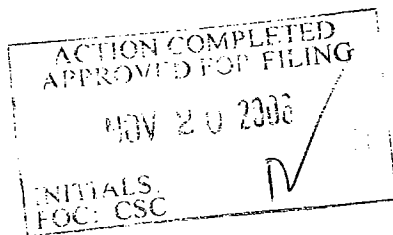
DATE PRINTED: 11/17/2006 03:01 PM

REC'D CSC 06NOV20 6:09

SUBMITTING SITE INFORMATION : CIS CALEXICO (XSD1S3)
16 HEFFERNAN AVE
CALEXICO, CA 92231

CURRENT TCN : A098807641200611171131
DISTRICT ORI : CAINS5200

FBI NAME : MBODJI, IBRAHINA
FBI NUMBER : 707744MC5
DATE OF BIRTH : 12/26/1982
ALIEN NUMBER : A098807641
SOCIAL SECURITY NUMBER : UNKNOWN
ZIP CODE : 92243
REASON FINGERPRINTED (FORM NUMBER) : I589



RAP SHEET PRINTOUT

TCN : A0988076412006111 31
 TSN : CA2006E0717230

UNITED STATES DEPARTMENT OF JUSTICE
 FEDERAL BUREAU OF INVESTIGATION
 CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
 CLARKSBURG, WV 26306

CAINSWANZ

ICN IFCS0002000021728212

BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
 SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

THIS RECORD IS SUBJECT TO THE
 FOLLOWING USE AND DISSEMINATION RESTRICTIONS

UNDER PROVISIONS SET FORTH IN TITLE 28, CODE OF FEDERAL
 REGULATIONS (CFR), SECTION 50.12, BOTH GOVERNMENTAL AND NONGOVERNMENTAL
 ENTITIES AUTHORIZED TO SUBMIT FINGERPRINTS AND RECEIVE FBI IDENTIFICATION
 RECORDS MUST NOTIFY THE INDIVIDUALS FINGERPRINTED THAT THE FINGERPRINTS
 WILL BE USED TO CHECK THE CRIMINAL HISTORY RECORDS OF THE FBI.
 IDENTIFICATION RECORDS OBTAINED FROM THE FBI MAY BE USED SOLELY FOR
 THE PURPOSE REQUESTED AND MAY NOT BE DISSEMINATED OUTSIDE THE RECEIVING
 DEPARTMENT, RELATED AGENCY OR OTHER AUTHORIZED ENTITY. IF THE INFORMATION
 ON THE RECORD IS USED TO DISQUALIFY AN APPLICANT, THE OFFICIAL MAKING THE
 DETERMINATION OF SUITABILITY FOR LICENSING OR EMPLOYMENT SHALL PROVIDE THE
 APPLICANT THE OPPORTUNITY TO COMPLETE, OR CHALLENGE THE ACCURACY OF, THE
 INFORMATION CONTAINED IN THE FBI IDENTIFICATION RECORD. THE DECIDING
 OFFICIAL SHOULD NOT DENY THE LICENSE OR EMPLOYMENT BASED ON THE
 INFORMATION IN THE RECORD UNTIL THE APPLICANT HAS BEEN AFFORDED A
 REASONABLE TIME TO CORRECT OR COMPLETE THE INFORMATION, OR HAS DECLINED TO
 DO SO. AN INDIVIDUAL SHOULD BE PRESUMED NOT GUILTY OF ANY CHARGE/ARREST
 FOR WHICH THERE IS NO FINAL DISPOSITION STATED ON THE RECORD OR OTHERWISE
 DETERMINED. IF THE APPLICANT WISHES TO CORRECT THE RECORD AS IT APPEARS
 IN THE FBI'S CJIS DIVISION RECORDS SYSTEM, THE APPLICANT SHOULD
 BE ADVISED THAT THE PROCEDURES TO CHANGE, CORRECT OR UPDATE THE RECORD ARE
 SET FORTH IN TITLE 28, CFR, SECTION 16.34.

2006 DEC -5 AM 7:12

DHS USCIS
SND RECORDS

- FBI IDENTIFICATION RECORD -

WHEN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE
 DIRECTLY WITH THE AGENCY THAT FURNISHED THE DATA TO THE FBI.

NAME	FBI NO.	DATE REQUESTED
MBODJI, IBRAHINA	707744MC5	2006/11/17

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR
M	B	1982/12/26	506	120	BRO	BLK

BIRTH PLACE
 SENEGAL

PATTERN CLASS	CITIZENSHIP
WU WU RS WU RS LS WU LS LS LS	SENEGAL
WU	WU WU

END OF PART 1 - PART 2 TO FOLLOW

11/17/2006

PAGE : 1

4

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

CAINSWANZ
PART 2

ICN IFCS0002000021728212

- FBI IDENTIFICATION RECORD - FBI NO-707744MC5

1-ARRESTED OR RECEIVED 2006/07/12 SID- CA27538012
AGENCY-SHERIFF'S OFFICE SAN DIEGO (CA0370000)
AGENCY CASE-6419877A
CHARGE 1-001 COUNTS OF INF CORP INJ, SPOUSE/COHAB

2-ARRESTED OR RECEIVED 2006/07/17
AGENCY-USINS SAN DIEGO (CAINSSD00)
NAME USED-MBODJI, IBRAHIMA
CHARGE 1-8 USC 1229 (A) REMOVAL PROCEEDING

COURT-
CHARGE-8 USC 1229 (A) REMOVAL PROCEEDING
SENTENCE-
PENDING REMOVAL TO SENEGAL

3-DATE OF APPLICATION 2006/11/17R (DATE FP)
AGENCY-USINS-WAN LAGUNA NIGUEL (CAINSWANZ)
AGENCY CASE-200611171131 NAME USED-MBODJI, IBRAHIMA
CIVIL PRINT - 11/17/2006

RECORD UPDATED 2006/11/17

ALL ARREST ENTRIES CONTAINED IN THIS FBI RECORD ARE BASED ON
FINGERPRINT COMPARISONS AND PERTAIN TO THE SAME INDIVIDUAL.

THE USE OF THIS RECORD IS REGULATED BY LAW. IT IS PROVIDED FOR OFFICIAL
USE ONLY AND MAY BE USED ONLY FOR THE PURPOSE REQUESTED.

U.S. Department of Justice

Immigration and Naturalization Service

Record of Deportable/Inadmissible Alien

Family Name (CAPS) MBODJI, Ibrahima		First	Middle	Sex M	Hair BLK	Eyes BRO	Complexion DRK
Country of Citizenship SENEGAL	Passport Number and Country of Issue SENGALESE 99FB	File Number Case No: SND0607000152 A098 807 641		Height 66	Weight 20	Occupation CONSTRUCTION	
U.S. Address 504 OR 506 GREENBRIER RD OCEANSIDE, CALIFORNIA 92054				Scars and Marks See Narrative			
Date, Place, Time, and Manner of Last Entry 02/13/2001, Unknown Time, NYC, NONIMMIGRANT				Passenger Boarded at		F.B.I. Number 707744MC5	
Number, Street, City, Province (State) and Country of Permanent Residence DAKAR, SENEGAL				Method of Location/Apprehension CLC 520.3			
Date of Birth 12/26/1982	Age: 23	Date of Action 07/17/2006	Location Code SND/SND	At/Near San Diego, CA		Date/Hour 07/17/2006 0000	
City, Province (State) and Country of Birth DAKAR, SENEGAL	AR <input checked="" type="checkbox"/>	Form: (Type and No.)	Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>	By JEFFREY R. ROBERTS			
NIV Issuing Post and NIV Number	Social Security Account Name CLAIMS NONE,			Status at Entry Non-Immigrant		Status When Found IN INSTITUTION	
Date Visa Issued U.S. B1/B2 VISA Foil Number 42681211	Social Security Number			Length of Time Illegally in U.S. OVER 1 YEAR			

Immigration Record **NEGATIVE - See Narrative** Criminal Record **See narrative**

Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) Number and Nationality of Minor Children
CLAIMS 1 / USC

Father's Name, Nationality, and Address, if Known Nationality: **SENEGAL** Mother's Present and Maiden Names, Nationality, and Address, if Known
MBODJI, Aliou NDONG, Marieme
SENEGAL PASSPORT #94AP212095 Nationality: SENEGAL

Monies Due/Property in U.S. Not in Immediate Possession Fingerprinted? Yes ☒ No ☐ INS Systems Checks **See Narrative** Charge Code Word(s) **R1B**

Name and Address of (Last)/(Current) U.S. Employer Type of Employment Salary Hr. Employed from/to

Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)

FIN #: 19333952

SCARS, MARKS AND TATTOOS

None Visible

INS SYSTEMS CHECKS

Automated Fingerprint Identification System Negative

Central Index System Negative

Computer Linked Application Information Management System Negative

Deportable Alien Control System Negative

National Crime Information Center Positive

Narrative Title: Record of Deportable/Excludable Alien

Narrative Created by ROBERTS

San Diego Sheriff Booking Number: 6419877

San Diego Sheriff Booking Name: MBODJI, IBRAHINA

CII: CA 27538012

AFIS: 060225477

SUBJECT is a male native and citizen of SENEGAL by virtue of his birth in DAKAR, SENEGAL.

Alien has been advised of communication privileges. 7/17/06 (Date/Initials)

Jeffrey R. Roberts
JEFFREY R. ROBERTS
IMMIGRATION ENFORCEMENT AGENT
(Signature and Title of INS Official)

Distribution:
TO FILE
STATS
DACS

Received: (Subject and Documents) (Report of Interview)

Officer: **JEFFREY R. ROBERTS**on: **July 17, 2006** at **1310** (time)Disposition: **Warrant of Arrest/Notice to Appear**Examining Officer: **PATRICK AMOS**

Alien's Name

MBODJI, Ibrahima

File Number

Case No: SND0607000152

A098 807 641

Date

07/17/2006

RECORDS checks thru the UNITED STATES DEPT OF STATE - BUREAU OF CONSULAR AFFAIRS indicated that subject was issued a U.S. B1/B2 NONIMMIGRANT VISA (Foil Number 42681211) on 12-DEC-2000 (EXPIRATION DATE 11-MAR-2001) in DAKAR, SENEGAL for "VACATION, NYC 1 WEEK, LATE DEC 2000. TRAVEL WITH FATHER, ALIOU MBODJI, 21 MAY 55, HOLDER OF SENGALESE PPT 94AP212095." This record also indicates subject is issued SENGALESE PASSPORT NUMBER 99FB6272199.

SUBJECT claims to have entered the United States by air at NEW YORK, NEW YORK as a nonimmigrant visitor with a valid passport and B1/B2 visa on or about February 13, 2001 with his father. Subject stated that his father returned to Senegal without him and that he flew to Atlanta, Georgia where he was hit in the head with a baseball bat resulting in a coma. At the time of attack, subject claims his passport was stolen. Subject claims to have resided in Atlanta until October 11, 2004 at which time he travelled to San Diego, California by car. Subject was a Juvenile at the time of his entry and claims to have never intended to reside permanently in the United States. Subject claims he now wants to contest his case and not return to Senegal.

CENTRAL INDEX SYSTEM (CIS), DEPORTABLE ALIEN CONTROL SYSTEM (DACS), COMPUTER LINKED APPLICATION INFORMATION SYSTEM (CLAIMS), and NATIONAL CRIME INFORMATION CENTER (NCIC) CHECKS for an assigned A-File were all negative. Subject was assigned Alien Registration Number A98 807 641.

SUBJECT has no known criminal convictions but subject was encountered after being booked into the San Diego County Sheriff Office's Vista Detention Facility for Inflicting Corporal Injury. All charges were subsequently dropped and subject was turned over to ICE custody on July 17, 2006 pursuant to an Immigration Detainer lodged by IEA P. Amos.

TREASURY ENFORCEMENT COMMUNICATIONS SYSTEM III (TECS III) Subject Query (SQ11) indicated No Wants/No Warrants.

SUBJECT will be served with a NOTICE TO APPEAR before an Immigration Judge in a Section 240 Removal Hearing charged as a NONIMMIGRANT OVERSTAY, in violation of Section 237(a)(1)(B) of the Immigration and Naturalization Act, as amended.

INITIAL CUSTODY DETERMINATION is \$10,000 BOND.

Signature

JEFFREY R. ROBERTS

Title

IMMIGRATION ENFORCEMENT AGENT

U. S. Department of Justice
Immigration and Naturalization Service

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act

File No: A098-807-641

Case No: SND0607000152

FIN #: 19333952

In the Matter of:

Respondent: Ibrahima MBODJI

currently residing at:

IMMIGRATION AND CUSTOMS ENFORCEMENT 880 FRONT STREET
SAN DIEGO CALIFORNIA 92101

(Number, street, city state and ZIP code)

(Area code and phone number)

- ☐ 1. You are an arriving alien.
- ☐ 2. You are an alien present in the United States who has not been admitted or paroled.
- ☒ 3. You have been admitted to the United States, but are deportable for the reasons stated below.

The Service alleges that you:

- ☒ 1) You are not a citizen or national of the United States;
- ☒ 2) You are a native of SENEGAL and a citizen of SENEGAL;
- ☒ 3) You were admitted to the United States at New York, New York on or about February 13, 2001 as a nonimmigrant visitor with authorization to remain in the United States for a temporary period not to exceed March 11, 2001;
- ☒ 4) You remained in the United States beyond March 11, 2001 without authorization from the Immigration and Naturalization Service.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 237(a)(1)(B) of the Immigration and Nationality Act (Act), as amended, in that after admission as a nonimmigrant under Section 101(a)(15) of the Act, you have remained in the United States for a time longer than permitted, in violation of this Act or any other law of the United States.

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8 CFR 208.30(f)(2) ☐ 8 CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at: _____
to be set

(Complete Address of Immigration Court, Including Room Number, if any)

On a date to be set at a time to be set to show why you should not be removed from the United States based on the
(Date) (Time)
charge(s) set forth above.

Oliver Francisco
OLIVER FRANCISCO
SUPV. DETENTION&DEPORTATION OFFICER

(Signature and Title of Issuing Officer)

Date: July 17, 2006

SAN DIEGO, CALIFORNIA

(City and State)

See reverse for important information

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this Notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents which you desire to have considered in connection with your case. If any document is in a foreign language, you must bring the original and a certified English translation of the document. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or deportable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear, of any relief from removal for which you may appear eligible including the privilege of departing voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the INS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the INS.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to have a 10-day period prior to appearing before an immigration judge.

X Refused To Sign
(Signature of Respondent)

Before:

Jeffrey R. Roberts IEA
(Signature and Title of INS Officer)

Date: _____

Certificate of Service

This Notice to Appear was served on the respondent by me on July 17, 2006, in the following manner and in compliance with section 239(a)(1)(F) of the Act:
(Date)

- ☒ in person ☐ by certified mail, return receipt requested ☐ by regular mail
☐ Attached is a credible fear worksheet.
☒ Attached is a list of organizations and attorneys which provide free legal services.

The alien was provided oral notice in the ENGLISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

[Signature]
(Signature of Respondent if Personally Served)

Jeffrey R. Roberts
JEFFREY R. ROBERTS
IMMIGRATION ENFORCEMENT AGENT
(Signature and Title of Officer)

U.S. Department of Justice
Immigration and Naturalization Service

Warrant for Arrest of Alien

Case No: SND0607000152

File No: A098 807 641

Date: July 17, 2006

FIN #: 19333952

To any officer of the Immigration and Naturalization Service delegated authority pursuant to section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that:

Ibrahima MBODJI

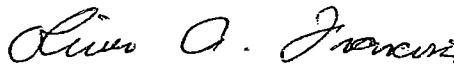
(Full name of alien)

an alien who entered the United States at or near New York, New York on _____
(Port)

February 13, 2001 is within the country in violation of the immigration laws and is
(Date)

therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above-named alien into custody for proceedings in accordance with the applicable provisions of the immigration laws and regulations.



(Signature of authorized INS official)

OLIVER FRANCISCO

(Print name of official)

SUPV. DETENTION&DEPORTATION OFFICER

(Title)

Certificate of Service

Served by me at SAN DIEGO, CALIFORNIA on July 17, 2006 at 12:00 AM.
I certify that following such service, the alien was advised concerning his or her right to counsel and was furnished a copy of this warrant.



JEFFREY R. ROBERTS

(Signature of officer serving warrant)

IMMIGRATION ENFORCEMENT AGENT

(Title of officer serving warrant)

10

U.S. Department of Justice
Immigration and Naturalization Service

Notice of Custody Determination

Ibrahima MBODJI

Case No: SND0607000152
File No: A098 807 641

IMMIGRATION AND CUSTOMS ENFORCEMENT
880 FRONT STREET
SAN DIEGO, CA 92101

Date: 07/17/2006

FIN #: 19333952

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that pending a final determination by the immigration judge in your case, and in the event you are ordered removed from the United States, until you are taken into custody for removal, you shall be:

- ☐ detained in the custody of this Service.
☒ released under bond in the amount of \$ 10,000.00.
☐ released on your own recognizance.

- ☒ You may request a review of this determination by an immigration judge.
☐ You may not request a review of this determination by an immigration judge because the Immigration and Nationality Act prohibits your release from custody.

Oliver Francisco
OLIVER FRANCISCO
(Signature of authorized officer)

SUPV. DETENTION & DEPORTATION OFFICER
(Title of authorized officer)

SAN DIEGO, CALIFORNIA
(INS office location)

- ☐ I do ☒ do not request a redetermination of this custody decision by an immigration judge.
☒ I acknowledge receipt of this notification.

x Refused To Sign
(Signature of respondent)

(Date)

RESULT OF CUSTODY REDETERMINATION

On JULY 25, 06, custody status/conditions for release were reconsidered by:

- ☐ Immigration Judge ☒ District Director ☐ Board of Immigration Appeals

The results of the redetermination/reconsideration are:

- ☐ No change - Original determination upheld. ☐ Release-Order of Recognizance
☒ Detain in custody of this Service. ☐ Release-Personal Recognizance
☒ Bond amount reset to NO BOND ☐ Other: _____

N. Gutierrez (ROB)
(Signature of officer)

U.S. Department of Justice
Immigration and Naturalization Service

Notice of Rights and Request for Disposition

FIN #: 19333952

Case No: SND0607000152
File No: A098 807 641Name: ~~Ibrahima MBODJI~~

NOTICE OF RIGHTS

You have been arrested because immigration officers believe that you are illegally in the United States. You have the right to a hearing before the Immigration Court to determine whether you may remain in the United States. If you request a hearing, you may be detained in custody or you may be eligible to be released on bond, until your hearing date. In the alternative, you may request to return to your country as soon as possible, without a hearing.


You have the right to contact an attorney or other legal representative to represent you at your hearing, or to answer any questions regarding your legal rights in the United States. Upon your request, the officer who gave you this notice will provide you with a list of legal organizations that may represent you for free or for a small fee. You have the right to communicate with the consular or diplomatic officers from your country. You may use a telephone to call a lawyer, other legal representative, or consular officer at any time prior to your departure from the United States.

REQUEST FOR DISPOSITION

IM ☒ I request a hearing before the Immigration Court to determine whether or not I may remain in the United States.
Initials

☐ I believe I face harm if I return to my country. My case will be referred to the Immigration Court for a hearing.
Initials

☐ I admit that I am in the United States illegally, and I believe I do not face harm if I return to my country. I give up my right to a hearing before the Immigration Court. I wish to return to my country as soon as arrangements can be made to effect my departure. I understand that I may be held in detention until my departure.
Initials

X 
Signature of Subject

07-17-06
Date

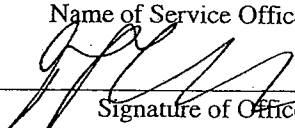
CERTIFICATION OF SERVICE

☒ Notice read by subject

☒ Notice read to subject by JEFFREY R. ROBERTS, in the ENGLISH language.

JEFFREY R. ROBERTS

Name of Service Officer (Print)


Signature of Officer

Name of Interpreter (Print)

July 17, 2006

Date and Time of Service

1700 hrs

12

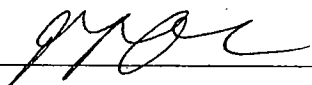
ENGLISH

"If you failed to attend the hearing at the time and place designated on this notice, or any date and time later designated by the Immigration Court, you shall not be eligible for discretionary relief under INA Section 240A (Cancellation of Removal), 240B (Voluntary Departure), 245 (Adjustment of Status), 248 (Adjustment of Nonimmigrant Status), or 249 (Creation of Record of Admission), for a period of ten (10) years after the date of the entry of the Final Order of Removal."

SPANISH

"Si no asiste a la audiencia en el tiempo y lugar designado en este aviso, o cualquier fecha y hora mas tarde designado por la corte de Inmigracion, no estara elegible por asistencia discrecional bajo INA Seccion 240A (Cancelacion de Deportacion), 240B (Slida Voluntaria), 245 (Ajuste de Residencia), 248 (Ajuste de no-inmigrante Residencia), o 249 (Creacion de Registro de Admision), por un periodo de diez (10) anos despues de la fecha indicada en la Orden Final de Deportacion.

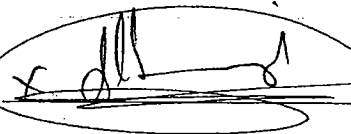
OFFICER:



Date:

7/17/2008

RESPONDENT:



Date:

07-17-08



LIST OF FREE LEGAL SERVICE PROVIDERS

LEGAL AID SOCIETY OF SAN DIEGO, INC.

110 South Euclid Ave.

San Diego, CA 92114

Toll free: 1-877 Legal Aid (877-534-2524)

(No charge)

(Will not represent aliens in asylum cases)

DARIO AGUIRRE, Esquire

1010 Second Ave., Suite 1700

San Diego, CA 92101

(619) 239-9990 (voice)

(619) 239-0004 (fax)

(No Charge)

(Will represent aliens in asylum cases)

Ali Golchin, Esq.

Golchin and Associates

110 West C Street, Suite 712

San Diego, CA 92101

(619) 325-7555

(Will not represent aliens in asylum cases)

(Generally, representation is limited to San Diego District)

Christopher Stender, Esq.

Stender and Pope, P.C.

444 West "C" Street

Suite 380

San Diego, CA 92101

(619) 238-8080

Jan. 1, 2006

Alien's Signature:

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

RE: MBODJI, IBRAHIMA
FILE: A98-807-641

DATE: Jul 19, 2006

TO: MBODJI, IBRAHIMA
C/O ICE, 1115 N. IMPERIAL AVE.
EL CENTRO, CA 92243

Please take notice that the above captioned case has been scheduled for a MASTER hearing before the Immigration Court on Jul 28, 2006 at 10:00 A.M. at:

1115 NORTH IMPERIAL AVENUE
EL CENTRO, CA 92243

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Immigration and Naturalization Service and held for further action. OR (2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Immigration and Naturalization Service established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT IMPERIAL, CA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 703-305-1662. *YOU MUST BRING PHOTO IDENTIFICATION TO ENTER THE BUILDING.*

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: [] ALIEN [] ALIEN c/o Custodial Officer [] ALIEN's ATT/REP [P] INS
DATE: 7/19/06 BY: COURT STAFF [P] V3
Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

NOTICE OF HEARING IN REMOVAL PROCEEDINGS

IMMIGRATION COURT

2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

RE: MBODJI, IBRAHIMA

FILL: A98-807-641

DATE: Jul 28, 2006

TO: MBODJI, IBRAHIMA
C/O ICE, 1115 N. IMPERIAL AVE.
EL CENTRO, CA 92243

Please take notice that the above captioned case has been scheduled for a Master/Individual hearing before the Immigration Court on 8-30-06 at 1:00 P.M. at

1115 NORTH IMPERIAL AVENUE
EL CENTRO, CA 92243

FOR LEGAL
REPRESENTATION.

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

YOU MUST BRING PHOTO IDENTIFICATION AND HEARING NOTICE TO ENTER THE BUILDING.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

- 1) You may be taken into custody by the Immigration and Naturalization Service and held for further action.
- 2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Immigration and Naturalization Service established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT IMPERIAL, CA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7190 OR 703-305-1662.

Alien Number: 98-807-641

Alien Name: MBODJI, IBRAHIMA

LIMITATIONS ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR

- ☒ 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A, below) for a period of ten (10) years after the date of entry of the final order of removal.
- () 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A, Below) for a period of ten (10) years from the date of your scheduled hearing.
- () 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A, Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

**the term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:

- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
 - 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
 - 3) Adjustment of status or change of status as provided for in Section 1:245, 248 or 249 of the Immigration and Nationality Act.
- 56856-26 NOV 2006
LOS CASOS
8-30-06

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a language he/she understands by the Immigration Judge.

Date: Jul 28, 2006

Immigration Judge: _____ or Court Clerk: _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)

TO: ☒ ALIEN ☐ ALIEN c/o Custodial Officer ☐ ALIEN's ATT/REP ☒ INS

DATE: 7-28-06 BY: COURT STAFF J.K.W.

Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Other

96

17

6 - 30 - NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

RE: M800JI, IBRAHIMA
FILE: A98-807-641

DATE: Aug 30, 2006

TO: M800JI, IBRAHIMA
C/O ICE, 1115 N. IMPERIAL AVE.
EL CENTRO, CA 92243

Please take notice that the above captioned case has been scheduled for a Master/Individual hearing before the Immigration Court on 9-7-06 at 8:30 A.M. at

1115 NORTH IMPERIAL AVENUE
EL CENTRO, CA 92243

BOND HEARING
R'S GIRLFRIEND
TO APPEAR.

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

YOU MUST BRING PHOTO IDENTIFICATION AND HEARING NOTICE TO ENTER THE BUILDING.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

- 1) You may be taken into custody by the Immigration and Naturalization Service and held for further action.
- 2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Immigration and Naturalization Service established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT IMPERIAL, CA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 OR 703-305-1662.

Alien Number: 98-807 641

Alien Name: MBODJI, IBRAHIMA

LIMITATIONS ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR

- (X) 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for a period of ten (10) years after the date of entry of the final order of removal.
- () 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for a period of ten (10) years from the date of your scheduled hearing.
- () 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

**the term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

- A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:
- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
 - 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
 - 3) Adjustment of status or change of status as provided for in Sections 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a language he/she understands by the Immigration Judge.

Date: Aug 30, 2006

Immigration Judge: _____ or Court Clerk: _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)

TO: [P] ALIEN [] ALIEN c/o Custodial Officer [] ALIEN's ATT/REP [P] INS

DATE: 8-30-06 BY: COURT STAFF JHW

Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

V6

19

Date: October 08, 2006

From: Ibrahima Mbodji
A# 98-807-641 / BW-02
I.C.E. Detention Facility,
El Centro, Ca. 92243

To: Mr. Roberto Rillamas(O.I.C.)
I.C.E. Detention Facility,
El Centro, Ca. 92243

DEPT. OF HOMELAND SECURITY
ECC/SPC
OCT 10 2006
RECEIVED

Subject: Request for Bond Reduction

Dear Mr. Rillamas,

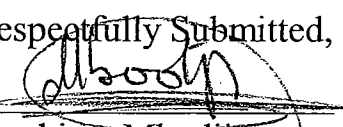
My name is Ibrahim Mbodji and I am currently detained in this facility. I was told by the deportation officials that I needed to address this request directly to you. I was granted bond by the Immigration Judge at my court proceeding of September 07, 2006. The Government set the amount at \$7,500.00.

In this regard Sir, I write to respectfully ask for your consideration in granting me a bond reduction, hopefully even a minimum bond amount. I am being assisted by a fellow detainee in the preparation of this letter, so to make it as formal a request as possible.

Sir, my family is small and struggling with everyday needs. I cannot even estimate when they might be able to raise the amount of money needed to pay the current bond amount. In my personal life, I have a dependant eighteen (18) month old daughter "Aida Parker" with my previous girlfriend "Carrenna L. Parker," who now resides in Atlanta, Georgia. Ms. Parker is available to answer any questions if the need arises; the telephone number is (678-437-3388). Also, I have a current girlfriend, "Mary J. Guy," who is intent in assisting me in any way she possibly can; the telephone number is (760-521-5124).

Mr. Rillamas, I humbly and respectfully ask for your consideration in reviewing this request, as I was told that this is my only way to get a bond reduction. Thank you for any consideration you can grant me in this matter.

*Subject arrived Dec 2000; on 1 WK. Under DIST. —
overstay. at present — CLAIMED
TO HAVE HIS OFF. STOLEN —
Subject is applying for VISA
at HAS 1/4 bar to asylum BIR.*

Respectfully Submitted,

Ibrahima Mbodji

0017
w. Holkerich

UNITED STATES DEPARTMENT OF JUSTICE
Executive Office for Immigration Review
Immigration Court
2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

/✓/ DETAINED AT GOV'T EXPENSE

DATE: Nov 1, 2006

NATIONALITY: SENEGAL

FILE NUMBER: A98-807-641
MBODJI, IBRAHIMA

Department of State
Bureau of Democracy, Human Rights and Labor
Office of Country Reports and Asylum Affairs
2401 E Street, NW, Room H242
Washington, D.C. 20037

Dear Sir:

Pursuant to 8 C.F.R. 208.11, herein enclosed for your review, is a copy of an application for asylum and withholding on Form I-589 and attachments relating to the above-named subject. He/she asserts that he/she will be persecuted on account of his/her race, religion, nationality, membership in a particular social group or political opinion or tortured if returned to his/her native country. Neither a determination of the applicant's credibility nor an evaluation of his/her claim has been made.

A hearing on this application has been scheduled for Dec 6, 2006. If we do not hear from you by Dec 6, 2006, we will assume that you have chosen not to comment. Your response prior to this date would be most helpful for the Immigration Judge in arriving at a decision in this case.


IMMIGRATION COURT CLERK

Enclosures

cc: INS Asst. District Counsel

cc: Alien or Alien's Attorney/Representative
KATHERINE OWEN
LAW OFFICE OF KATHERINE A. OWEN
280 MORONGO DRIVE
IMPERIAL, CA 92251

LIZ

SS

21

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
IMPERIAL, CA

FILE: A98-B07-641

IN THE MATTER OF:

MBODJI, IBRAHIMA

RESPONDENT

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE
WITH RESPECT TO CUSTODY

Request having been made for a change in the custody status of respondent pursuant to 8 CFR 236.1(c), and full consideration having been given to the representations of the Immigration and Naturalization Service and the respondent, it is hereby

- ☐ ORDERED that the request for a change in custody status be denied.
- ☐ ORDERED that the request be granted and that respondent be:
- ☐ released from custody on his own recognizance
- ☒ released from custody under bond of \$ 7,500
- ☐ OTHER _____

Copy of this decision has been served on the respondent and the Service.

APPEAL: waived -- reserved

IMPERIAL -- EL CENTRO, CALIFORNIA

Date: Sep 7, 2006

Jack H. Weil
JACK H. WEIL
Immigration Judge

XS

LIZ

22

6 4 - 1 - 08 NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT

2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

RE: MBODJI, IBRAHIMA
FILE: A98-807-641

DATE: Sep 7, 2006

TO: MBODJI, IBRAHIMA
C/O ICE, 1115 N. IMPERIAL AVE.
EL CENTRO, CA 92243

Please take notice that the above captioned case has been scheduled for a Master/Individual hearing before the Immigration Court on 9-13-06 at 1:00 P.M. at

COURT IDENTIFIED
I-589, J-485 + V.R.

1115 NORTH IMPERIAL AVENUE
EL CENTRO, CA 92243

FOR RESPONDENT
TO FILE ANY
APPLICATION FOR

RELIEF,
You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

YOU MUST BRING PHOTO IDENTIFICATION AND HEARING NOTICE TO ENTER THE BUILDING.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

- 1) You may be taken into custody by the Immigration and Naturalization Service and held for further action.
- 2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Immigration and Naturalization Service established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT IMPERIAL, CA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

X A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 OR 703-305-1662.

LIZ

23

Alien Number: 98-807-641

Alien Name: MBORJI, IBRAHIMA

LIMITATIONS ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR

- ☒ 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for a period of ten (10) years after the date of entry of the final order of removal.
- () 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for a period of ten (10) years from the date of your scheduled hearing.
- () 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

**the term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

- A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:
- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
 - 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
 - 3) Adjustment of status or change of status as provided for in Sections 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a language he/she understands by the Immigration Judge.

Date: Sep 7, 2006

Immigration Judge: _____ or Court Clerk: _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (X) PERSONAL SERVICE (P)

TO: ☒ ALIEN ☐ ALIEN c/o Custodial Officer ☐ ALIEN's ATT/REP ☒ INS

DATE: 9-7-06 BY: COURT STAFF J.H.W.

Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Other

U6

24

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

RE: MBODJI, IBRAHIMA

FILE: A98-807-641

DATE: Sep 13, 2006

TO: MBODJI, IBRAHIMA
C/O ICE, 1115 N. IMPERIAL AVE.
EL CENTRO, CA 92243

Please take notice that the above captioned case has been scheduled for a
Master Individual hearing before the Immigration Court on 10-4-06
at 1:00 P.M. at

1115 NORTH IMPERIAL AVENUE
EL CENTRO, CA 92243

FOR ANY +
ALL APPLICATIONS
FOR RELIEF +
FOR

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing. **LEGAL REPRESENTATIVE**

YOU MUST BRING PHOTO IDENTIFICATION AND HEARING NOTICE TO ENTER THE BUILDING.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

- 1) You may be taken into custody by the Immigration and Naturalization Service and held for further action.
- 2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Immigration and Naturalization Service established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT IMPERIAL, CA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 OR 703-305-1662.

LIZ

25

U.S. Department of Justice
Immigration and Naturalization ServiceNotice of Entry of Appearance
as Attorney or Representative

Appearances - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. **Availability of Records** - During the time a case is pending, and except as otherwise provided in 8 CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10.


In re: IBRAHIMA MBODJI Date: 10/4/06
File No. 98-807-69

I hereby enter my appearance as attorney for (or representative of), and at the request of the following named person(s):

Name: <u>IBRAHIMA MBODJI</u>	<input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary	<input type="checkbox"/> Applicant
Address: (Apt. No.) (Number & Street) (City) (State) (Zip Code)		
Name:	<input type="checkbox"/> Petitioner <input type="checkbox"/> Beneficiary	<input type="checkbox"/> Applicant
Address: (Apt. No.) (Number & Street) (City) (State) (Zip Code)		

Check Applicable Item(s) below:

- ☒ 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia
09152 New Jersey Supreme Ct and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law.
- ☐ 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:
- ☐ 3. I am associated with _____ the attorney of record previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)
- ☐ 4. Others (Explain Fully.)

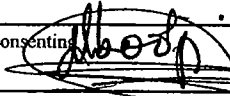
SIGNATURE 	COMPLETE ADDRESS <u>280 Morongo Drive</u> <u>IMPERIO, CA 92251</u>
NAME (Type or Print) <u>KATHERINE OWEN</u>	TELEPHONE NUMBER <u>(760) 355-0135</u>

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:

Katherine Owen

(Name of Attorney or Representative)

THE ABOVE CONSENT TO DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:

Name of Person Consenting <u>IBRAHIMA MBODJI</u>	Signature of Person Consenting 	Date <u>10-4-06</u>
(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)		

This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is contained in 8CFR 103.10 and 103.20 Et. SEQ.

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT

2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

10-1-06
RE: MBODJI, IBRAHIMA

FILE: A98-807-641

DATE: Oct 4, 2006

TO: MBODJI, IBRAHIMA
C/O ICE, 1115 N. IMPERIAL AVE.
EL CENTRO, CA 92243

Please take notice that the above captioned case has been scheduled for a Master/Individual hearing before the Immigration Court on 10-1-06 at 1:00 P.M. at

1115 NORTH IMPERIAL AVENUE
EL CENTRO, CA 92243

FOR I-589 FILIN
+ ANY OTHER
APPLICATIONS FOR
RELIEF.

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

YOU MUST BRING PHOTO IDENTIFICATION AND HEARING NOTICE TO ENTER THE BUILDING.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

- 1) You may be taken into custody by the Immigration and Naturalization Service and held for further action.
- 2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Immigration and Naturalization Service established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT IMPERIAL, CA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 OR 703-305-1662.

LIZ

28

Alien Number: 98-807-641

Alien Name: MBOOJI, IBRAHIMA

LIMITATIONS ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR

- ☒ 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for a period of ten (10) years after the date of entry of the final order of removal.
- () 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for a period of ten (10) years from the date of your scheduled hearing.
- () 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

**the term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:

- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
- 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
- 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a language he/she understands by the Immigration Judge.

Date: Oct 4, 2006

Immigration Judge: _____ or Court Clerk: _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)

TO: ☐ ALIEN ☐ ALIEN c/o Custodial Officer ☐ ALIEN's ATT/REP ☒ INS

DATE: 10-4-06 BY: COURT STAFF g.h.b.

Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Other

V6

29

11 1 30 NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

RE: MBODJI, ISRAHIMA
FILE: A98-807-641

DATE: Nov 1, 2006

TO: KATHERINE OWEN
LAW OFFICE OF KATHERINE A. OWEN
P.O. BOX 266
IMPERIAL, CA 92251

Please take notice that the above captioned case has been scheduled for a
Master/Individual hearing before the Immigration Court on 12-6-06
at 10:00 A.M. at

1115 NORTH IMPERIAL AVENUE
EL CENTRO, CA 92243

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

YOU MUST BRING PHOTO IDENTIFICATION AND HEARING NOTICE TO ENTER THE BUILDING.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

- 1) You may be taken into custody by the Immigration and Naturalization Service and held for further action.
- 2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Immigration and Naturalization Service established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT IMPERIAL, CA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 OR 703-305-1662.

LIZ

30

Alien Number: 98-807-641

Alien Name: MBODJI, IBRAHIMA

LIMITATIONS ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR

- (X) 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for a period of ten (10) years after the date of entry of the final order of removal.
- () 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for a period of ten (10) years from the date of your scheduled hearing.
- () 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

**the term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:

- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
- 2) ~~10~~ Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
- 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a language he/she understands by the Immigration Judge.

Date: Nov 1, 2006

Immigration Judge: _____ or Court Clerk: _____


CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
 TO: [] ALIEN [] ALIEN c/o Custodial Officer [] ALIEN's ATT/REP [] INS
 DATE: 11-1-06 BY: COURT STAFF J.H.W.
 Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

V6

31

(a) CUSTODY REVIEW WORKSHEET

A98 807 641		NATIONALITY: Senegal	
NAME: MBODJI, Ibrahima			
MARITAL STATUS: Single		CHILDREN: One	
U.S. ADDRESS: None Given		LENGTH OF RES. IN U.S.: Entered 02/13/01 B-2	
INA CHARGE: 237 (a)(1)(B) Overstay		ATTY OF RECORD: Katherine Owen, Attorney of Law	
EQUITIES	Claims a USC child		
RELIEF AVAIL	<input type="checkbox"/> Asylum <input type="checkbox"/> Withdrawl of Application <input type="checkbox"/> Adj. of Status <input type="checkbox"/> Cancellation <input checked="" type="checkbox"/> Other: _____		
ADMIN HIST	Charged with 237 (a)(1)(B) Overstay Next Court Date: December 6, 2006		
CRIM HISTORY	Charged with 237 (a)(1)(B) Overstay Other Countries: Unknown		
COMMENTS	Mr. MBODJI was charged with 237 (a)(1)(B) Overstay in the United States. He was arrested for Inflicting Corporal Injury, and booked into the San Diego County Detention Facility. The charges were dropped and on July 17, 2006 he was turned over to ICE custody. He has applied for Asylum since and is awaiting an interview. He claims he has one USC child. On September 7, 2006 a bond was granted by IJ for \$7,500. Based on interview and information obtained during an interview, I recommend no bond and disagree with IJ's decision. He is an over stay and unless the Asylum is granted he has no immigration relief. I believe Mr. MBODJI is a very high flight risk. If we are going to give a bond the amount set by the IJ should be granted.		
CURRENT CUSTODY CONDITIONS: No Bond		Section 1.02 Section 1.03 RECOMMENDED CUSTODY CONDITIONS: No Bond	
Officer: V. Samuel Flores Date: 11/13/2006 RECOMMENDING OFFICER		<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur reviewing SDDO recommends:  SDDO: Ronnie D. Batley Date 11/16/06 REVIEWING SDDO	

FOIA EXEMPT: Officer Work Product (including attachments)

* Bond to remain at \$7,500 as set by IJ. Wal. J. on 9/7/2006. (1) D-702

32

Detention and Removal Operations
U.S. Department of Homeland Security
1115 North Imperial Ave
El Centro, CA 92243



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: A File

FROM: V. Samuel Flores
Deportation Officer

SUBJECT: Custody Review

Below are the results of a custody review for the listed detainee(s):

MBODJI, Ibrahima A98 807 641

- ☒ Bond to be set at \$7,500⁰⁰
- ☐ Parole with no bond restrictions
- ☒ Detainee(s) to surrender a valid un-expired passport or other acceptable government-issued ID
- ☒ No bond; detainee(s) to remain in custody pending a decision from the immigration court

(1) D-702

Bond to remain at \$7,500⁰⁰ as set by 1st.
Weil, J. on 9/7/2006
(1) D-702

Robert G. Rillamas
Officer in Charge
El Centro, California 92243

Dete. and Removal Operations
U.S. Department of Homeland Security
1115 North Imperial Ave
El Centro, CA 92243



**U.S. Immigration
and Customs
Enforcement**

Katherine Owen, Attorney at Law
280 Morongo Drive
Imperial, CA 92251

Re: MBODJI, Ibrahima A98 807 641

Dear: Ms. Owen,

We have considered your request for your client's release from custody on parole with or without bond restrictions. Your request is based on the assertion that Mr. MBODJI is neither a flight risk nor, a danger to the community.

On September 7, 2006 Jack H. Weil, Immigration Judge granted your client a bond of \$7,500. There has not been any change in conditions that would warrant lowering the bond.

Based on interview at our facility and information provided, this agency believes Mr. MBODJI could be a flight risk. It does not appear he is eligible for any immigration relief pending the Asylum application.

Due to these findings, I have made a determination not granting a parole on bond on this case. Your request is hereby denied.

Sincerely,

Robert G. Rillamas
Officer in Charge

34

R'S COUNSEL
MAY CALL COURT
TO CONF. IF DATE
NOT AVAILABLE.

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

RE: MBOOJI, IBRAHIMA

FILE: A78-807-641

DATE: Jan 3, 2007

TO: KATHERINE OWEN
LAW OFFICE OF KATHERINE A. OWEN
280 MORONGO DRIVE
IMPERIAL, CA 92251

Please take notice that the above captioned case has been scheduled for a
Master Individual hearing before the Immigration Court on 1-29-2007
at 8:00 A.M. at

R.'S ENGLISH INSUFF.
TO TESTIFY.

1115 NORTH IMPERIAL AVENUE
EL CENTRO, CA 92243

CASE CONTINUED
FOR FRENCH
INTERPRETER.

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

YOU MUST BRING PHOTO IDENTIFICATION AND HEARING NOTICE TO ENTER THE BUILDING.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

1) You may be taken into custody by the Immigration and Naturalization Service and held for further action.

2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Immigration and Naturalization Service established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT IMPERIAL, CA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 OR 703-305-1662.

GC9

35

Alien Number: 99-007-641

Alien Name: MOODJI, ISRAHIMA

LIMITATIONS ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR

- ☒ 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A, below) for a period of ten (10) years after the date of entry of the final order of removal.
- ☐ 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control** will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A, Below) for a period of ten (10) years from the date of your scheduled hearing.
- ☐ 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A, Below) for ten (10) years from the date of the scheduled departure. Your Voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.

**the term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:

- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
- 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
- 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a language he/she understands by the Immigration Judge.

Date: Jan 3, 2007

Immigration Judge: _____ or Court Clerk: _____

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
 TO: ☐ ALIEN ☐ ALIEN c/o Custodial Officer ☒ ALIEN's ATT/REP ☒ INS
 DATE: 1-3-07 BY: COURT STAFF J.N.W.
 Attachments: ☐ EOIR-33 ☐ EOIR-29 ☐ Legal Services List ☐ Other

V6

36

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

RE: MBODJI, IBRAHIMA
FILE: A98-807-641

TO: KATHERINE OWEN
LAW OFFICE OF KATHERINE A. OWEN
280 MORONGO DRIVE
IMPERIAL, CA 92251

DATE: Jan 3, 2007

TA - Ind HR.

Please take notice that the above captioned case has been scheduled for a
INDIVIDUAL hearing before the Immigration Court on Jan 30, 2007 at 8:00 A.M. at:

1115 NORTH IMPERIAL AVENUE
EL CENTRO, CA 92243

Attention: Your hearing
has been rescheduled.
Disregard any notice
you may have received
before the above date.

You may be represented in these proceedings, at no expense to the
Government, by an attorney or other individual who is authorized and qualified
to represent persons before an Immigration Court. Your hearing date has not
been scheduled earlier than 10 days from the date of service of the Notice to
Appear in order to permit you the opportunity to obtain an attorney or
representative. If you wish to be represented, your attorney or representative
must appear with you at the hearing prepared to proceed. You can request an
earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances
may result in one or more of the following actions: (1) You may be taken into
custody by the Immigration and Naturalization Service and held for further
action. OR (2) Your hearing may be held in your absence under section 240(b) (5)
of the Immigration and Nationality Act. An order of removal will be entered
against you if the Immigration and Naturalization Service established by
clear, unequivocal and convincing evidence that a) you or your attorney has
been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT
CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION
COURT IMPERIAL, CA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR
TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS.
EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE
COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE
ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM
THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO
OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW
ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE
OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE
SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED
SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For
information regarding the status of your case, call toll free 1-800-898-7180
or 703-305-1662. *YOU MUST BRING PHOTO IDENTIFICATION TO ENTER THE BUILDING.*

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: [] ALIEN [] ALIEN c/o Custodial Officer [M] ALIEN's ATT/REP [P] INS
DATE: 1/3/07 BY: COURT STAFF [M] V3
Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

GC9

37

IMMIGRATION COURT
2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

In the Matter of
MBODJI, IBRAHIMA
Respondent

Case No.: A98-807-641

IN REMOVAL PROCEEDINGS
ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on Jan 30, 2007.
This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

J. Kw ~~The respondent was ordered removed from the United States to SENEGAL. or in the alternative to Respondent's application for voluntary departure was denied and respondent was ordered removed to or in the alternative to~~

~~Respondent's application for voluntary departure was granted until 2-9-07 upon posting a bond in the amount of \$ with an alternate order of removal to SENEGAL~~ *under safeguard*

Respondent's application for:

☒ Asylum was () granted ☒ denied () withdrawn

☒ Withholding of removal was () granted ☒ denied () withdrawn

☐ A Waiver under Section _____ was () granted () denied () withdrawn

☐ Cancellation under Section 240A(a) was () granted () denied () withdrawn

Respondent's application for:

☐ Cancellation under Section 240A(b)(1) was () granted () denied () withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

☐ Cancellation under Section 240A(b)(2) was () granted () denied () withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

☐ Adjustment of Status under Section _____ was () granted () denied () withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

☒ Respondent's application of () withholding of removal () deferral of removal under Article III of the Convention Against Torture was () granted ☒ denied () withdrawn.

☐ Respondent's status was rescinded under section 246.

☐ Respondent is admitted to the United States as a _____ until _____.

☐ As a condition of admission, respondent is to post a \$ _____ bond.

☐ Respondent knowingly filed a frivolous asylum application after proper notice.

☐ Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.

☐ Proceedings were terminated.

☐ Other: _____

Date: Jan 30, 2007

Jack H. Weil
JACK H. WEIL
Immigration Judge

DHS
Appeal: *Waived/Reserved* Appeal Due By: *3-1-07*

LIZ

38

In this proceeding the respondent conceded proper service of the Notice to Appear. Based upon his admissions and the certificate of service, the Court finds that the charging documents has been properly served.

The Department of Homeland Security bears of burden of proving by clear and convincing evidence that the removal charge is true.

The respondent in this case admitted factual allegations 1, 2, 3 and 4 of the Notice to Appear. The respondent represented that neither of his parents are U.S. citizens or nationals of the United States.

The Court finds, based upon the respondent's admissions as well as testimony regarding the lack of Immigration status of his parents in the United States, that the Government has proven by clear and convincing evidence that each factual allegation is true. Based upon these factual findings, the Court concludes that the removal charges have been proven by clear and convincing evidence.

The respondent has failed to designate a country of removal. Senegal is directed by the Court.

The respondent has sought the forms of relief of asylum, withholding of removal, Torture Convention protections in the form of withholding and deferral from removal, and voluntary return. It is respondent's applications for such relief that are currently before this Court.

The evidence of record consists of the testimony of the respondent which will not be restated as it is contained in the record of this proceeding.

The evidentiary record of this proceeding also consists of documentary Exhibits No. 1, No. 2, No. 3 and No. 4, which had been admitted into evidence without objection.

In making the determination of this Court, the Court has considered every word of the respondent's testimony as well as every word of the documentary Exhibits that he has submitted.

The respondent bears the burden of proving eligibility for relief in lieu of removal. This Court finds that the respondent has failed to meet his burden of proving eligibility for asylum, withholding of removal, and all forms of Torture Convention protection.

The basis of the respondent's claim is that he would be persecuted and tortured upon return to Senegal because he has had sexual relations with non-Muslims and also because he has fathered a child out of wedlock with a non-Muslim and also created a fetus with a non-Muslim that has been aborted by the mother.

The respondent claims that he would be persecuted and tortured upon return to Senegal as a result of this conduct.

In support of the respondent's claim, he offers his testimony and the documentary Exhibits cited above.

The respondent, in support of his claim that he would be

persecuted and tortured upon return to Senegal, cites from the Koran which is specifically included in Exhibit No. 4. The respondent cites a provision which reads "The fornicatres and the fornicator, flog each of them with a hundred strips. Let not pity withhold you in their case, in a punishment prescribed by Allah, if you believe in Allah and the last day. And let a party of the believers witness their punishment ...".

The Court does recognize that this does seem to state in the Koran that fornicators should be punished with flogging of a hundred strips in front of witnesses.

The respondent, however, in his testimony, was unable to cite one instance of anyone in Senegal who had experienced this treatment. The respondent did relate the instance of an acquaintance, whose mother was a friend of the respondent's grandmother, who had a problem similar to the respondent's and tried to flee to another state, but was caught. The respondent, however, does not have any information as to what transpired in that case and has no information regarding that case to date. The Court finds that this example is not specific and it has not been demonstrate^d, at all, ~~similarly~~ this incident relates to the respondent or why the person attempted to flee or why the person was arrest^{ed} and what, if anything, happened to them. The Court finds that this sketchy incident is insufficient to meet the respondent's burden of proof.

The Court has also reviewed the State Department Reports

offered by the respondent in support of his claim, and there is not mention of one incident of a fornicator who received any type of adverse treatment.

The Court does not find that the evidence of record including this citation to the Koran is sufficient to meet the respondent's burden of proof. There are many provisions similar to this one in both the New and Old Testament which provide penalties of exile, stoning and death that are not carried out in our own country. While Senegal is not the United States, there has been no evidence offered sufficient to prove by the requisite level of burden of proof that this provision would be carried out today in its literal format in Senegal, either.

The same page of the Koran offered by the respondent also states above "And say, oh, Mohammed, my Lord, forgive and have mercy for You are the best of those who show mercy!" It is therefore not clear based on the evidence of record whether one would have mercy, which also seems to be supported by the Koran, or whether the respondent would suffer the harm, and where it is not clear and where the evidence does not show by a preponderance of the evidence that the respondent would be persecuted, his claim must be denied.

The Court in this case does find the respondent to be credible, but finds that even finding him credible that he has not met his burden of proof, as while he subjective^{ly} may fear persecution, there has been no demonstration sufficient for the

Court to find that it is objectively reasonable for him to, as is required, to establish his claim. The respondent's father is not talking to him, but there has been no evidence of threats by the father, although the father does not appear to be willing to forgive the respondent, and when the respondent has spoke to his mother, both regarding the birth of the child, she has responded by telling him to be careful and asking him why he cannot marry if he is going to procreate.

The record also contains evidence that the respondent does not have a place to live and has nothing in Senegal. It does appear from his testimony that his view is that he prefers life in the United States as he has testified that this is the type of life he has wanted. He testified that his dream^{is} to make his mother happy, and that he loves^{her} even though she has not raised him. This evidence also draws the Court to wonder whether these are the motives of the respondent's desire not to go home, and finds that that must be weighed against his testimony and the evidence that his real reason for staying here is a fear of persecution or torture.

The Court finds that the citation to one portion of the Koran is insufficient to meet the respondent's burden of proof even when considered with the other evidence of record without some type of showing that it is likely that this punishment will be carried out. As the respondent has provided no evidence of threats that he has received in this regard and no evidence of

any other individual who has received this type of treatment or any other evidence of someone being treated in this fashion, the Court cannot find he has met his burden of proof.

The Court has carefully read and considered each one of the instances cited by the respondent in Exhibit No. 4 and finds that they are insufficient to meet his burden of proof independently or in connection with all the other evidence. The respondent cites to the fact that there is a problem with mob justice to address crimes, but the Court finds that just the growing problem with mob justice requires the Court to speculate as to how that would impact the respondent or his case, and there is no evidence of any mob justice in a case similar to the respondent's.

The incident stated in a police report was a taxi driver who tried to commit a theft on a young female passenger. The respondent also points to instances and highlights instances relating to politics, and that does not appear to be the situation in his case. The respondent also identifies the fact that female genital mutilation occurs in Senegal, although his claim is not supported by that citation, first because his is not an FGM case, and second because the Country Report states that FGM is a criminal offense under the law, carrying a sentence of six months to five years imprisonment, and the government has prosecuted those caught engaging in that. The Court therefore finds that this does not support the proposition that the government is unable or unwilling to provide protection to

individuals who are targeted in cases relating to sex.

The respondent also cites to the family code, which prohibits marriage for girls younger than 17, but that section states that under certain conditions a judge may grant special dispensation to allow the marriage. The respondent does identify the fact that civil court judges can preside over civil and customary law cases, but many disputes were turned over to religious judges for adjudication. There is no indication as to what would occur if this case was to be turned over to religious judges. The respondent has expressed his commitment to his religion and his request for forgiveness for violating principles of the Muslim religion.

This record is unclear as to what adjudication a religious judge would give in this case, especially in light of the Koran provisions contained in the record. It is not clear whether any kind of dispensation, as was granted to the underaged girls, would be presented in the respondent's case. The report also states that certain laws in the family law context, on page 12, were not enforced although they were in law because of sociocultural pressures, judicial reluctance to enforce the law, and a lack of information on marriage laws. It is not clear how, if at all, the provision of the Koran cited by the respondent today would be enforced. And without some example of an individual who has been persecuted for this in the past, or some other evidence showing past or future risk of persecution, the

Court simply cannot find that the respondent has met his burden of proving eligibility for asylum.


As the respondent has failed to meet his burden of proving eligibility for asylum, it logically follows that he has also failed to meet his burden of proving eligibility of the relief of withholding of removal, that carries a higher burden of proof.

While denial of such claims also does not mandate denial of Torture Convention protections, the respondent has failed to prove that there is a clear probability that he would be tortured or that the government would consent or acquiesce or otherwise torture him.

With regard to voluntary return, the respondent has overstayed his visa, significantly. He has few economic resources and few ties to the United States. While the respondent does have a daughter in this country, he lives in California and she lives in Georgia and he has only seen her when he took off work one week to visit her at her 1st birthday. It appears that the mother of the child is not particularly interested in financial support and has told the respondent the child has everything that she needs. The respondent's only remaining tie, other than this daughter who he had seen one week, is a girlfriend, but they are unable to marry as she is currently married to someone else.

Based upon these factors, the Court will grant the respondent the relief of voluntary departure under safeguard on

or before February 9, 2007, with an order that the respondent provide appropriate travel documents to the Government prior to his departure and that the respondent remain in custody until his departure. In the event that the respondent does not depart voluntarily as order, the Court would enter an automatic order of removal and deportation, without further action, to Senegal.



JACK H. WEIL
Immigration Judge

CERTIFICATE PAGE

I hereby certify that the attached proceeding before
JUDGE JACK H. WEIL, in the matter of:

MBODJI, IBRAHIMA

A 98 807 641

El Centro, California

is an accurate, verbatim transcript of the cassette tape as
provided by the Executive Office for Immigration Review and that
this is the original transcript thereof for the file of the
Executive Office for Immigration Review.

Barbara Culliton
Barbara Culliton, Transcriber

Free State Reporting, Inc.
1378 Cape St. Claire Road
Annapolis, Maryland 21401
(301) 261-1982

March 22, 2007
(completion date)

By submission of this CERTIFICATE PAGE, the Contractor certifies
that a Sony BEC/T-147, 4-channel transcriber or equivalent, as
described in Section C, paragraph C.3.3.2 of the contract, was used
to transcribe the Record of Proceeding shown in the above
paragraph.

Board of Immigration Appeals - Case Appeal**ANumber:** 98-807-641**Lead:** 98-807-641**Chg. Doc. Date:** 07/17/2006**MBODJI, IBRAHIMA****Gen:** 1**SubGen:** 1**Base City:** IMP **Hearing Location:** ELC**Nationality:** SENEGAL**IJ Decision:** 01/30/2007**Decision:** Voluntary Departure**Other Comp:****Type:** RMV**Appeal Filed:** 02/16/2007**By:** Alien IJ**Case Appea****Custody Status:** Detained**----- Briefing Schedule -----****Alien****INS****Served on Parties:****Originally Due:****Currently Due:****Briefs Received:****Oral Arg. Requested:****No****No****To/From Appellate Counsel:****BIA Decision:****Pending****Aministrative Final Order:****Pending****New A Number**



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

MBODJI, IBRAHIMA
C/O ICE, 1115 N. IMPERIAL AVE.
EL CENTRO, CA 92243-0000

U.S. DHS - Trial Attorney Unit/ELC
1115 N. Imperial Ave.
El Centro, CA 92243

B10-2

Name: MBODJI, IBRAHIMA

A98-807-641

Type of Proceeding: Removal

Date of this notice: 03/28/2007

Type of Appeal: Case Appeal

Appeal filed by: Allen

Date of Appeal: 02/16/2007

NOTICE -- BRIEFING SCHEDULE

- o Enclosed is a copy of the decision of the Immigration Judge.
- o Enclosed is a copy of the transcript of the testimony of record.
- o Appealing party is granted until 04/18/2007 to submit a brief to the Board of Immigration Appeals. The brief must be **RECEIVED** at the Board on or before this date.
- o Opposing party is granted until 04/18/2007 to submit a reply brief to the Board of Immigration Appeals. The brief must be **RECEIVED** at the Board on or before this date.

WARNING: If you indicated on the Notice of Appeal (Form EOIR-26) that you will file a brief or statement, you are expected to file a brief or statement in support of your appeal. If you fail to file the brief or statement within the time set for filing in this briefing schedule, the Board may summarily dismiss your appeal. See 8 C.F.R. § 1003.1(d)(2)(I)(E).

FILING INSTRUCTIONS -- In General.

IMPORTANT: The Board of Immigration Appeals has included two copies of this notice. Please attach one copy of this notice to the front of your brief when you mail or deliver it to the Board, and keep one for records. Thank you for your cooperation.

A fee is not required for the filing of a brief. Your brief must be **RECEIVED** at the Clerk's Office at the Board of Immigration Appeals within the prescribed time limits. It is NOT sufficient simply to mail the brief and assume your brief will arrive on time. We strongly urge the use of an overnight courier service to ensure the timely filing.

51

98-807-641

Use of an over-night courier service is strongly encouraged to ensure timely filing.

If the alien is represented by counsel at the appeal level, a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27) must be filed with the Board.

If you have any questions about how to file something at the Board, you should review the Board's Practice Manual and Questions and Answers at www.usdoj.gov/eoir.

Proof of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals -- including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the District Counsel for the DHS at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected.

Filing Address:

To send by courier or overnight delivery service, or to deliver in person:

Board of Immigration Appeals,
Clerk's Office,
5107 Leesburg Pike, Suite 2000,
Falls Church, VA 22041

Business hours: Monday through Friday, 8:00 a.m. to 4:30 p.m.

To mail by regular first class mail:

Board of Immigration Appeals
Clerk's Office
P.O. Box 8530
Falls Church, VA 22041

FILING INSTRUCTIONS -- Extension Request.

Unless you receive a Board Notice granting your extension request, your brief will remain due on the date stated above.

Extensions of briefing time will only be granted for good cause. All extension requests must be in writing. Telephonic or fax requests will not be accepted.

Extension requests must be **RECEIVED** at the Board on or before the expiration of the initial briefing schedule. Requests for extension of briefing time received after expiration of the initial briefing period, will not be granted.

The policy of the Board is that no additional extensions will be granted.



Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

MBODJI, IBRAHIMA
C/O ICE, 1115 N. IMPERIAL AVE.
EL CENTRO, CA 92243-0000

U.S. DHS - Trial Attorney Unit/ELC
1115 N. Imperial Ave.
El Centro, CA 92243

Name: MBODJI, IBRAHIMA

A98-807-641

Type of Proceeding: Removal

Date of this notice: 04/13/2007

Type of Appeal: Case Appeal

Appeal filed by: Alien

Date of Appeal: 02/16/2007

NOTICE -- BRIEFING EXTENSION REQUEST GRANTED

Alien's original due date: 04/18/2007

DHS' original due date: 04/18/2007

- o The request by the alien for an additional amount of time to submit a brief, which was received on 04/13/2007, is GRANTED.
- o The alien's brief must be **received** at the Board of Immigration Appeals on or before 05/09/2007.
- o The DHS' brief must be **received** at the Board of Immigration Appeals on or before 05/09/2007.

DEPARTMENT
OF HOMELAND SECURITY
OFFICE OF IMMIGRATION
AND CUSTOMS ENFORCEMENT
OFFICE OF CHIEF OF COUNSEL
EL CENTRO, CA
2007 MAY -11 A 3:02

PLEASE NOTE

WARNING: If you indicated on the Notice of Appeal (Form EOIR-26) that you will file a brief or statement, you are expected to file a brief or statement in support of your appeal. If you fail to file the brief or statement within the time set for filing, the Board may summarily dismiss your appeal. See 8 C.F.R. § 1003.1(d)(2)(i)(E).

The Board generally does not grant more than one extension per party or per case, if detained. Therefore, if you have received an extension, you should assume that you will not be granted any further extensions. Each party's current due date is stated above.

53

If you file your brief late, you must file it along with a motion for consideration of your late-filed brief. There is no fee for such a motion. The motion must set forth in detail the reasons that prevented you from filing your brief on time. You should support the motion with affidavits, declarations, or other evidence. Only one such motion will be considered by the Board.

FILING INSTRUCTIONS

IMPORTANT: The Board of Immigration Appeals has included two copies of this notice. Please attach one copy of this notice to the front of your brief when you mail or deliver it to the Board, and keep one for records. Thank you for your cooperation.

Use of an over-night courier service is strongly encouraged to ensure timely filing.

If you have any questions about how to file something at the Board, you should review the Board's Practice Manual and Questions and Answers at www.usdoj.gov/eoir.

Proof of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals -- including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the District Counsel for the DHS at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected.

Filing Address:

To send by courier or overnight delivery service, or to deliver in person:
Board of Immigration Appeals,
Clerk's Office,
5107 Leesburg Pike, Suite 2000,
Falls Church, VA 22041

Business hours: Monday through Friday, 8:00 a.m. to 4:30 p.m.

To mail by regular first class mail:
Board of Immigration Appeals
Clerk's Office
P.O. Box 8530
Falls Church, VA 22041.

Board of Immigration Appeals - Case Appeal			
A Number: 98-807-641	Lead: 98-807-641	Chg. Doc. Date: 07/17/2006	
MBODJI, IBRAHIMA		Gen: 1	SubGen: 1
Base City: IMP	Hearing Location: ELC		
Nationality: SENEGAL			
IJ Decision: 01/30/2007	Decision: Voluntary Departure	Other Comp:	Type: RMV
Appeal Filed: 02/16/2007	By: Alien IJ	Case Appeal	
Custody Status: Detained			
----- Briefing Schedule -----			
	Alien	INS	
Served on Parties:	03/28/2007	03/28/2007	
Originally Due:	04/18/2007	04/18/2007	
Currently Due:	05/09/2007	05/09/2007	
Briefs Received:	04/30/2007	04/17/2007	
Oral Arg. Requested:	Yes	No	Status: Pending
To/From Appellate Counsel:			
BIA Decision:	SUMMARY AFFIRMANCE/VD		
Administrative Final Order:	Pending		
<div style="border: 1px solid black; padding: 5px; text-align: center;">New A Number</div>			

55

U.S. Department of Justice
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A98-807-641 - El Centro

Date: MAY 29 2007

In re: MBODJI, IBRAHIMA

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS: Daniel H. Malvin, Assistant Chief Counsel

ORDER:

PER CURIAM. The Board affirms, without opinion, the results of the decision below. The decision below is, therefore, the final agency determination. *See* 8 C.F.R. § 1003.1(e)(4).

FURTHER ORDER: Pursuant to the Immigration Judge's order and conditioned upon compliance with conditions set forth by the Immigration Judge and the statute, the alien is permitted to voluntarily depart from the United States, without expense to the Government, within 10 days from the date of this order or any extension beyond that time as may be granted by the Department of Homeland Security (DHS). *See* section 240B(b) of the Immigration and Nationality Act; 8 C.F.R. §§ 1240.26(c), (f). In the event the alien fails to so depart, the alien shall be removed as provided in the Immigration Judge's order.

NOTICE: If the alien fails to depart the United States within the time period specified, or any extensions granted by the DHS, the alien shall be subject to a civil penalty of not less than \$1,000 and not more than \$5,000, and shall be ineligible for a period of 10 years for any further relief under section 240B and sections 240A, 245, 248, and 249 of the Immigration and Nationality Act. *See* section 240B(d) of the Act.


FOR THE BOARD

U.S. Department of Homeland Security
El Centro Service Processing Center
1115 North Imperial Avenue
El Centro, California 92243



U.S. Immigration And Customs Enforcement

MBODJI, IBRAHIMA

A#98 807 641

C/O: El Centro Service Processing Center
1115 N. Imperial Avenue
El Centro, CA 92243

Notice to Alien of File Custody Review

You are detained in the custody of the Immigration and Customs Enforcement (ICE) and you are required to cooperate with the ICE in effecting your removal from the United States. If the ICE has not removed you from the United States within the removal period as set forth in INA 241(a) (normally 90-days) of either: 1) your entering ICE custody with a final order of removal, deportation or exclusion, or 2) the date of any final order you receive while you are in ICE custody, the ICE will review your case for consideration for release on an Order of Supervision.

Your case is being reviewed to determine whether you may be released from custody. You must demonstrate to the satisfaction of the Attorney General that you **will not** pose a danger to the community and **will not** present a flight risk. You may submit a request to review your file to the district liaison officer no less than five working days prior to your review. An attorney or other person may represent you at no expense to the government. Attached is a list of free or low cost legal representatives who may be able to provide assistance to you in preparing your case.

Before making any recommendation or decision to release you, the ICE Director for the San Diego DRO field Office must conclude that:

1. Travel documents are not available, or in the opinion of the ICE, immediate removal, while proper, is otherwise not practicable or not in the public interest;
2. You are presently a non-violent person;
3. You are likely to remain non-violent if released;
4. You are not likely to pose a threat to the community following release;
5. You are not likely to violate the conditions of release; and
6. You do not pose a significant flight risk if released.



Your custody status will be reviewed on or about: SEPTEMBER 22, 2007. The Director for the San Diego DRO field office may consider, but is not limited to considering the following:

1. The nature and number of disciplinary infractions or incident reports received;
2. Criminal conduct and criminal convictions, including parole and probation violations;

57

3. Any available psychiatric and psychological reports;

Notice of File Review Continued:

4. Evidence of rehabilitation including institutional progress;
5. Favorable factors, including ties to the United States;
6. Prior immigration violations and history;
7. The likelihood that you are a significant flight risk or may abscond to avoid removal;
8. Any other information that is probative of whether you are likely to:
 - (i) Adjust to life in a community;
 - (ii) Engage in future acts of violence;
 - (iii) Engage in future criminal activity;
 - (iv) Pose a danger to the safety of yourself or others or property;
 - (v) Violate the conditions of your release from immigration custody pending removal.
9. Cooperate in obtaining your travel document.

You may submit any documentation you wish to be reviewed in support of your release, prior to the date listed above, to the attention of the officer and address below. Documentation must be in English. The district director will notify you of the decision in your case.

U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
Attn: J. Reyna, Deportation Officer
1115 North Imperial Ave.
El Centro, Ca. 92243

METHOD OF SERVICE

I certify that this form was provided to the alien by:

(Hand)

(Institution Mail)

() CC: Attorney of Record or Designated Representative

() CC: A-file

Signature of Officer

Print Name of Officer

08/17/2007

Date

(Final 10/18/99)

30-Day Waiting Period Waived by Detainee:

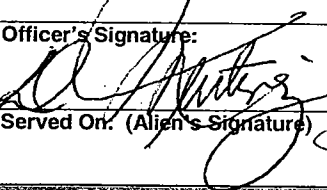
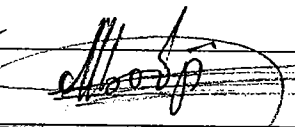

Signature

Date



58

Warning for Failure to Depart

Name: MBODJI, iBRAHIMA		Field Office: ECC/SND	File #: A#98 807 641
Section 243(a) of the Immigration and Nationality Act provides, in part, that: Any alien against whom a final order of removal is outstanding by reason of being a member of any of the classes described in section 237(a) who-- (A) willfully fails or refuses to depart from the United States within a period of 90 days* from the date of the final order of removal under administrative processes, or if judicial review is had, then from the date of the final order of the court, (B) willfully fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure, (C) connives or conspires, or takes any other action, designed to prevent or hamper or with the purpose of preventing or hampering the alien's departure pursuant to such, or (D) willfully fails or refuses to present himself or herself for removal at the time and place required by the Attorney General pursuant to such order, shall be fined under title 18, United States Code, or imprisoned not more than four years (or 10 years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 237(a), or both. Nothing in this section shall make it a violation to take proper steps for the purpose of securing cancellation of or exemption from such order of removal or for the purpose of securing the alien's release from incarceration or custody. Any action the Immigration and Customs Enforcement may take to obtain a travel document for your departure or to remove you will NOT relieve you of the liability for compliance with the provisions of law referred to in the first paragraph above. * Section 241(a)(1)(C) provides for the extension of the statutory removal period if the alien refuses, during the removal period, to make application in good faith, for a travel or other document necessary for the alien's removal or departure or conspires or acts to prevent the alien's removal subject to an order of removal.			
Date Order Final: JANUARY 30, 2007		Ordered Removed under Section: 237(a)(1)(B)	
Record of Service (Check method used)			
Record of Personal Service			
Served By: (Print Name and Title of Officer) D. Martinez Deportation Officer		Date: August 17, 2007	
Officer's Signature: 		Location of Service: EI Centro Service Processing Center	
Served On: (Alien's Signature) 		Date:	
Warning administered in Court (Copy of order attached)		Record of Personal Service (Cont)	
Certified Mail Service		Fingerprint of Alien (Specify finger used)	
Attach certified mail receipts here.			

INSTRUCTION SHEET TO DETAINEE REGARDING REQUIREMENT TO ASSIST IN REMOVAL

The following is a list of things you are required to complete within 30 days of receiving this form, in order comply with your obligation to assist in obtaining a travel document:

Mandatory requirements will be checked off by the INS officer depending on the facts of each case. Failure to comply or provide sufficient evidence of your inability to comply, may result in the extension of the removal period and subject you to further detention. In addition, you may be subject to criminal prosecution. If you need assistance in complying with any of the requirements, please contact a Deportation Officer.

Submit passports (current and expired) to the INS. If you have a copy of your passport, you are to submit it.

Apply for a travel document/passport from your embassy or consulate, or directly from your government in your native country, or any other embassy or consulate of your native country in another country.

Comply with all instructions from all embassies or consulates requiring completion of documentation for issuance of a travel document.

Submit to the INS birth certificates, national identification cards, and any other document issued by a foreign government indicating your citizenship, nationality, place of birth, and place of residence prior to entering the United States.

Provide names and addresses of family and friends residing in the United States and request that they contact your embassy or consulate in the United States, in order to facilitate the issuance of a travel document.

Provide names and addresses of family and friends residing in your country of citizenship and request family and friends residing abroad contact your government in reference to issuing a travel document.

You are required to take measures to request reinstatement of your previous nationality, register as required, or take any other action that will ensure the issuance of a travel document and your removal from the United States.

Provide INS with written copies of requests to embassies or consulates requesting issuance of a travel document.

Provide INS with written copies of responses from embassies or consulates regarding your requests.

Solicit permission from another country, which may be able to accept you, to enter that country to effect your removal from the United States.

Other: _____

Alien's Signature _____

A Number A#98 807 641

Served by _____

Officer's Name

on

08/17/2007

Date

at

El Centro, Ca.

Location

To be served with I-229 (a) no later than 30 days after the final order

A #98 807 641

Does the detainee have a place to live in the United States?

YES
☒NO
☐

ADDRESS:

PHONE #:

IN CARE OF:

1180 CIVIC center Dr APT# B22 oceanside C.A 92054
760-722-2897.

Is the detainee subject to any parole or probation requirements?

YES
☐NO
☒

DATE:

Does the detainee have close family ties within the United States?

YES
☒NO
☐

NAME:

ADDRESS:

PHONE #:

CARENNA Parker (wife) and Aida (my daughter)
945 Mathews st SW APT# 1 Atlanta GA 30310
(404)-758-2660.

Does the detainee have any community ties or non-governmental sponsors?

YES
☐NO
☒

NAME:

ADDRESS:

PHONE #:

Does the detainee have any employment history?

YES
☒NO
☐Katherine (my manager) (bakery) 760 529 7829
*
CHERIF (is a business owner) 760 529 6301

What is the detainee's educational level?

2 years in college (in senegal)

Does the detainee have any vocational training?

CERTIFICATES OR LETTERS:


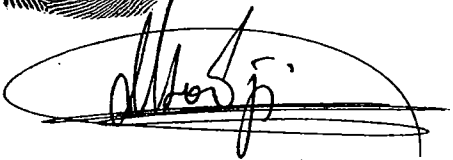
DATE PREPARED		INFORMATION FOR TRAVEL DOCUMENT OR PASSPORT		FILE A
1. NAME <u>Ibrahim</u>			2. SEX Male	
3. OTHER NAMES USED OR KNOWN BY			4. CITIZENSHIP <u>SENEGALISE</u>	
5. DATE OF BIRTH <u>12-26-82</u>		6. PLACE OF BIRTH <u>SENEGAL</u>		
7. HEIGHT	WEIGHT	EYES	HAIR	COMPLEXION
MARKS OR SCARS				
8. NEAREST LARGE CITY TO PLACE OF BIRTH			9. DISTANCE AND DIRECTION OF PLACE OF BIRTH FROM THIS LARGE CITY	
10. IF CITIZENSHIP IS DIFFERENT FROM COUNTRY OF BIRTH, EXPLAIN. IF NATURALIZED IN ANY COUNTRY, SHOW DATE AND PLACE OF NATURALIZATION, CERTIFICATE NUMBER, AND STATE HOW CITIZENSHIP WAS ACQUIRED.				
11. NAMES, LOCATIONS AND DATES (YEARS) OF ATTENDANCE OF FOREIGN SCHOOLS <u>FASILOU DIOP</u> <u>DAKAR</u> <u>3em</u> <u>(12 years)</u>			12. NAMES, EXACT LOCATIONS AND DATES (YEARS) OF ATTENDANCE OF FOREIGN CHURCHES. INCLUDE DATE AND NATURE OF ANY RELIGIOUS CEREMONY WHICH MAY HAVE BEEN RECORDED. <u>2000</u>	
13. LAST PERMANENT RESIDENCE IN COUNTRY OF CITIZENSHIP (Show dates of residence) <u>DAKAR</u>				
14. ADDRESS IN COUNTRY OF LAST FOREIGN RESIDENCE (Show dates of residence, and Immigration status there)				
15. PLACE OF ENTRY INTO UNITED STATES			DATE OF ENTRY INTO UNITED STATES	
16. LIST DATE AND PLACE OF ISSUANCE AND NUMBER OF PASSPORT, BIRTH CERTIFICATE, BAPTISMAL CERTIFICATE OR DOCUMENT OF IDENTITY. SPECIFY DATES OF MILITARY SERVICE, COUNTRY AND UNIT, RANK, SERIAL NUMBER, AND PLACES OF INDUCTION AND DISCHARGE.				
17. IN POSSESSION OF TRAVEL DOCUMENT OR PASSPORT AT TIME OF ENTRY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO. DESCRIBE DOCUMENT (S). IF SUBJECT DID NOT HAVE TRAVEL DOCUMENT OR PASSPORT AT TIME OF ENTRY, OR DOES NOT HAVE SUCH A DOCUMENT NOW, INDICATE WHETHER EVER OBTAINED ONE: <input type="checkbox"/> YES <input type="checkbox"/> NO. STATE HOW, WHEN, AND WHERE IT WAS OBTAINED: WHAT KIND OF DOCUMENT IT WAS, AND WHAT BECAME OF IT.				
18. FATHER'S NAME <u>ALIOUNE</u> <u>MRO AJI</u>		DATE OF BIRTH	PLACE OF BIRTH <u>SENEGAL</u>	
PRESENT ADDRESS				
19. MOTHER'S MAIDEN NAME <u>MARIAM NDONG</u>		DATE OF BIRTH	PLACE OF BIRTH <u>SENEGAL</u>	
PRESENT ADDRESS				
20. NAME, RELATIONSHIP, AND ADDRESSES OF RELATIVES ABROAD <u>BIRAM SARR ; DIOR DIA ; THIANE DIA</u>				
21. PREVIOUSLY <input type="checkbox"/> EXCLUDED <input type="checkbox"/> DEPORTED <input type="checkbox"/> REQUIRED TO DEPART FROM THE UNITED STATES ON _____ (Date) VIA _____ (Port) TO _____ (Country)				
22. INDICATE WHETHER EVER ARRESTED, IN PRISON OR A PUBLIC INSTITUTION IN THE COUNTRY OF WHICH A NATIONAL, SUBJECT OR CITIZEN: <input type="checkbox"/> YES <input type="checkbox"/> NO, IF SO, GIVE DATES AND PLACES				
23. NAME, NATIONALITY AND PRESENT ADDRESS OF SPOUSE, AND DATE AND PLACE OF MARRIAGE <u>CARENNA</u> <u>PARKER</u> <u>USC</u>				
24. NAMES, AGES AND ADDRESSES OF ALL CHILDREN <u>AIDA</u> <u>PARKER</u> <u>USC</u>				
25. IF NONCANADIAN DEPORTABLE TO CANADA, GIVE DATE AND PORT OF ARRIVAL IN CANADA, AND NAME OF VESSEL <u>N/A</u>				

*Office of Detention and Removal Operations
San Diego Field Office*

U.S. Department of Homeland Security
880 Front Street
San Diego, CA 92101



U.S. Immigration
and Customs
Enforcement

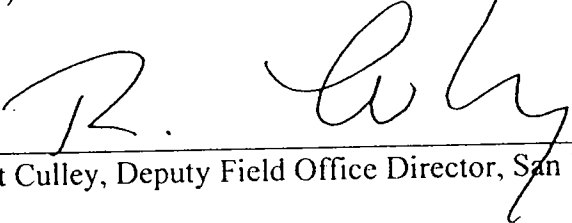


MBODJI, Ibrahima
C/O El Centro Service Processing Facility
1115 N. Imperial Avenue
El Centro, CA 92243

Decision to Continue Detention

This letter is to inform you that your custody status has been reviewed and it has been determined that you will not be released from the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file and/or your personal interview and consideration of any information you submitted to ICE's reviewing officials.

You have been arrested for a domestic dispute with the mother of your child. The charges were later dropped and you were turned over to ICE, due to your illegal status in this country. You entered the country as a visitor and failed to comply with the regulations set forth with your Visa. It is evident by your actions and lack of responsibility that you never had any intentions of returning to your native country. You have not been a provider for your child much less a father. Based on the aforementioned, you are deemed an extreme flight risk pursuant to 8CFR 241.4.

Based on the above, you are to remain in ICE custody pending your removal from the United States. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to effect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 USC Section 1253(a).


Robert Culley, Deputy Field Office Director, San Diego, CA


Date

63

Decision of Post Order Custody Review – Detain

A98-807-641 MBODJI, Ibrahima

Page 2

PROOF OF SERVICE

(1) Personal Service (Officer to complete both (a) and (b) below.)

(a) I Jesus R. Reyes, D.O.,
Name of ICE Officer Title
certify that I served MBODJI, Ibrahima with a copy of
Name of detainee
this document at ECCISPC on 9/14/07, at 0850 hrs.
Institution Date Time

(b) I certify that I served the custodian _____,
Name of Official
_____, at _____, on
Title Institution
_____ with a copy of this document.
Date

OR

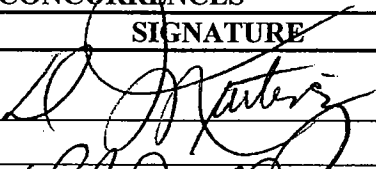
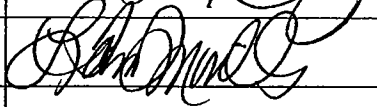
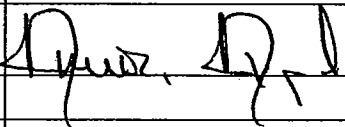
(2) Service by certified mail, return receipt. (Attach copy of receipt)

I _____, _____, certify
Name of ICE Officer Title
that I served _____ and the custodian _____,
Name of detainee Name of Official
with a copy of this document by certified mail at _____ on _____.
Institution Date

- () cc: Attorney of Record or Designated Representative
() cc: A-File

64

ICE Staff Routing Sheet

TO: Robin F. Baker, FOD		THRU: Official Channels		SUSPENSE DATE:	
SUBJECT: Post Order Custody Review					
EXECUTIVE SUMMARY:					
1. <u>Purpose.</u> Post Order Custody Review					
2. <u>Discussion.</u>					
Recommendation. Detain RE: MBODJI, Ibrahima (A98-807-641), Senegal					
CONCURRENCES					
NAME	OFFICE	SIGNATURE	DATE	COMMENTS	
E. Parra, (A) SDDO, ECC/SPC	ECC		9/5/07	Concur	
Luz T. Amarillas, (A) AOIC (ECC/SPC)	ECC		9/6/07	Concur	
Miguel Munoz, (A) AFOD (ECC/SPC)	ECC		9/6/2007		
Robert Culley, DFOD, San Diego, CA.	SND				
ACTION OFFICER/OFFICE/EXTENSION: J. Reyna			DATE: 09/05/2007		

65

POST ORDER CUSTODY REVIEW WORKSHEET

Detainee Name: MBODJI, Ibrahima

AKA(s):

Date of Birth: December 26, 1982 **A Number:** 98-807-641

Place of Birth: Dakar **Nationality:** Senegal

Date of Last Arrival: 02/13/2001 **Place of Arrival:** New York City, NY.

Status at Last Entry: Non-Immigrant **Date into ICE Custody:** July 18, 2006

Entered ICE Custody from: ☒ **Local, State, or Federal Institution**
Institution Name/Location: San Diego, CA. District Office
BOP/ Institution Numbers:
☐ **Other:**

Deportation Case Officer: D. Martinez
Contact Phone #: (760) 336-4621

Review Date: September 04, 2007

DCO: ECC

Detained Location: El Centro Service Processing Facility, 1115 Imperial Ave, El Centro, CA

Deportation/Exclusion/Removal Proceedings

List all Charges: ☒ Section 237 (a) (1)(B)
☐ Section 212 (a)
☐ Section 241 (a)

☒ Under Final Order dated: May 29, 2007, By ☒ IJ ☐ BIA: ☐ Other:

☒ Appeal Waived/Appeal Time Elapsed

Habeas filed: ☒ No ☐ Yes

Stay Issued in Case: ☐ No ☒ Yes

Legal Representative / Attorney

G-28 Filed: ☐ Yes ☒ No

Notification of Review Made: ☐ No ☒ Yes **By:** D. Martinez (D.O.)

Name of Representative / Attorney:

Mailing Address: **Telephone Number:**

Present during interview: ☐ Yes ☐ No

66

Immigration History: (Prior ICE arrest[s]/parole/bond/custody information/adjustment/benefits granted (TPS, DED, withholding, etc.))

On February 13, 2001, Mr. Mbodji was admitted into the United States through New York as a Non-Immigrant. On July 17, 2006, he was brought into ICE custody at San Diego, CA. and served with a Notice to Appear charging him under Section 237(a)(1)(B) of the INA. On January 30, 2007, an Immigration Judge granted Mr. Mbodji voluntary departure. Mr. Mbodji reserved his right to appeal the decision. On February 16, 2007, he filed his appeal before the Board of Immigration Appeals. On May 29, 2007, the BIA dismissed the appeal and affirmed the Judge's decision of allowing Mr. Mbodji to return voluntarily to his country. Mr. Mbodji filed a petition for review before the US Court of Appeals for the Ninth Circuit. Case number 07-72503 is currently pending with a Stay of Removal. On August 17, 2007, form I-229 (a) and Instruction Sheet were served on Mr. Mbodji.

NCIC Checks:

☒ Criminal History
(State and Federal)

☐ No record Found

Criminal History: (list convictions, sentence, date, court, and include a summary of other NCIC arrests, failures to appear, etc.)

On July 12, 2006, Mr. Mbodji was arrested in San Diego, CA. for inflicting corporal injury on spouse/cohabitant. The charge was later dropped due to lack of corpus.

There are no other arrests to note.

(DO NOT FORWARD A COPY OF THE NCIC PRINTOUT TO HQCDU)

Institutional / Disciplinary Record

Did the detainee have prior Disciplinary Reports? ☐ Yes ☒ No

If Yes, List & Describe:

Source:

Disciplinary reports and incidents while in ICE Custody? ☐ Yes ☒ No

If Yes, List & Describe:

Source:

Specifics of Review

Date of File Review: September 04, 2007

Date of Detainee Interview: (optional)

Location of Interview:

Reviewing/Interviewing Officer: #1: Jesus Reyna (Deportation Officer)

#2:

Interpreter Used: (If subject was interviewed) ☐ Yes ☒ No

Name:

Language/Dialect:

Discussion at interview/review:

The review conducted on today's date is a file review pursuant to the permanent custody review procedures published in the Federal Register on December 21, 2000. Therefore, a personal interview was not conducted.

Travel Document Status/History:

List aliens attempts to get travel documents and status (to include any actions alien has taken to *prevent* removal, and date of service of I-229(a) and Instruction Sheet to Detainee):

Mr. Mbodji is pending a case before the Ninth Circuit Court of Appeals. A request for a travel document was sent out to the Consulate on August 17, 2007.

On August 17, 2007, form I-229 (a) and Instruction Sheet were served on Mr. Mbodji.

List ICE's attempts to obtain a travel document and status:

Mr. Mbodji is pending a case before the Ninth Circuit Court of Appeals. A request for a travel document was sent out to the Consulate. We have not received a response in regards to the request.

Does the detainee have a place to live in the United States?

1180 Civic Center Drive Apt. B-22
Oceanside, CA. 92054 Tel: (760)722-2897

Is the detainee subject to any parole or probation requirements?

Mr. Mbodji is not subject to any parole requirements.

Does the detainee have close family ties within the United States?

Mr. Mbodji has one US citizen daughter who resides with her mother in Atlanta, GA. 945 Mathews St. SW Apt. #1 Tel: (404) 758-2660.

Does the detainee have community ties or non-governmental sponsors?

Mr. Mbodji has not submitted any documentation.

Does the detainee have any employment prospects?

Mr. Mbodji claims to have a job offer from a Bakery in Oceanside, CA. The telephone number is (760) 529-6301.

What is the detainee's employment history?

Mr. Mbodji claims to have worked at a Bakery in Oceanside, CA. The manager of the Bakery is Katherine who can be reached at (760) 529-7829.

What is the detainee's educational level?

Mr. Mbodji has completed two years of college in his native country of Senegal.

Does the detainee have any vocational training?

Mr. Mbodji has not submitted any documentation.

Has the detainee submitted any evidence of rehabilitation, courses while in prison, etc?

Mr. Mbodji has not been in prison.

Medical/Psychological Concerns

Does the detainee have any medical or psychological issues:

Description (to include Date and Source):

--

Other documentary evidence for consideration in this review (include any documentation submitted by detainee):

Mr. Mbodji has not provided additional information.

Special Circumstances Concerns

Does the detainee appear to meet any of the criteria of 8 CFR 241.14 for continued detention?

☒ **No** ☐ **Yes (indicate below):**

- ☐ Aliens with a Highly Contagious Disease that is a Threat to Public Safety [8 CFR § 241.14(b)].
- ☐ Aliens Detained on Account of Serious Adverse Foreign Policy Consequences of Release [8 CFR § 241.14(c)].
- ☐ Aliens Detained on Account of Security or Terrorism Concerns [8 CFR § 241.14(d)].
- ☐ Detention of Aliens Determined to be Specially Dangerous [8 CFR § 241.14(f)]. Aliens who pose a threat to the public because they have committed a crime of violence, have a mental disorder and behavior associated with the disorder, and are likely to be violent in the future.

All cases that may possibly meet any of these provisions must be coordinated with HQCDU per existing guidance.

Officer Comments/Analysis & Recommendation

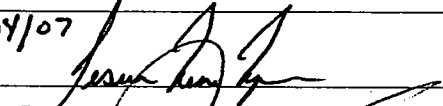
On February 13, 2001, Mr. Mbodji was admitted into the United States through New York as a Non-Immigrant. On July 17, 2006, he was brought into ICE custody at San Diego, CA. and served with a Notice to Appear charging him under Section 237(a)(1)(B) of the INA. On January 30, 2007, an Immigration Judge granted Mr. Mbodji voluntary departure. Mr. Mbodji reserved his right to appeal the decision. On February 16, 2007, he filed his appeal before the Board of Immigration Appeals. On May 29, 2007, the BIA dismissed the appeal and affirmed the Judge's decision of allowing Mr. Mbodji to return voluntarily to his country. Mr. Mbodji filed a petition for review before the US Court of Appeals for the Ninth Circuit. Case number 07-72503 is currently pending with a Stay of Removal.

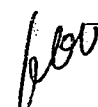
Mr. Mbodji has indicated that he has a US citizen child who resides with her mother in Atlanta, GA. Mr. Mbodji never legally married the mother of his child. He does not have any other close ties in the United States.

Mr. Mbodji has been arrested for a domestic dispute with the mother of his child. The charges were later dropped and he was turned over to ICE due to his illegal status in this country. Mr. Mbodji entered the country as a visitor and failed to comply with the regulations set forth with his Visa. It is evident by his actions and lack of responsibility that Mr. Mbodji never had any intentions of returning to his native country. Mr. Mbodji has not been a provider for his child much less a father. Based on the aforementioned, Mr. Mbodji is deemed an extreme flight risk pursuant to 8CFR 241.4. Therefore, it is in the best interest of the Agency to have Mr. Mbodji on continued detention until his departure to Senegal can take effect.

Jesus Reyna
Deportation Officer

Date: 9/04/07

Signature: 

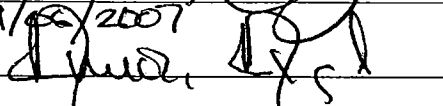
 E. Parra, (A) Supervisory Detention &
Deportation Officer for ECC/SPC

Date: 9/5/07

Signature: 

Luz Tanori Amarillas, (A) AOIC
for ECC/SPC

Date: 09/06/2007

Signature: 

Miguel M. Munoz, (A) AFOD
for ECC/SPC

Date:

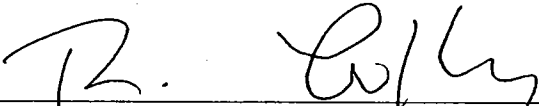
Signature:

DECIDING OFFICIAL'S CUSTODY DETERMINATION


- ☐ RELEASE FROM CUSTODY / ORDER OF SUPERVISION
- ☒ CONTINUE IN CUSTODY - RETAIN CUSTODY JURISDICTION
- ☐ CONTINUE IN CUSTODY - REFER TO HQCDU

Comments:

ICE Field Office: SND



Robert Culley, Deputy Field Office Director, San Diego, CA



Date

[Court Home](#)
[Case Search](#)
[Orders/Judgments](#)
[Billing History](#)
[XML](#)
[TXT](#)
[Logout](#)
[Help](#)

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 07-72503
Docketed: 06/21/2007
 Mbodji, et al v. Mukasey
Appeal From: Board of Immigration Appeals

Case Type Information:

- 1) agency
- 2) review
- 3) San Diego Southern California

Originating Court Information:

District: BIA-1 : A98-807-641
Date Filed: 06/21/2007

Prior Cases:

None

Current Cases:

None

IBRAHIMA MBODJI (-: A98-807-641)

Petitioner

Ibrahima Mbodji
 [COR LD NTC Pro Se]
 EL CENTRO SERVICE
 PROCESSING CENTER
 1115 N. Imperial Ave.
 El Centro, CA 92243-0000

v.

MICHAEL B. MUKASEY, Attorney
 General

Respondent

Julie M. Iversen, Esq.
 Direct: 202-616-9857
 Fax: 202-616-9366
 [COR LD NTC Government]

74

DOJ - U.S. DEPARTMENT OF
JUSTICE
Civil Div./Office of Immigration Lit.
P.O. Box 878, Benjamin Franklin
Station
Washington, DC 20044-0000

CAS-District Counsel, Esq.
[COR NTC Government]
OFFICE OF THE DISTRICT
COUNSEL
Department of Homeland Security
Suite 1234
880 Front Street
San Diego, CA 92101-8897

Kiley L. Kane, Esq., Attorney
Direct: 202-307-0108
Fax: 202/307-8698
[NTC Government]
DOJ - U.S. DEPARTMENT OF
JUSTICE
Civil Div./Office of Immigration Lit.
P.O. Box 878, Benjamin Franklin
Station
Washington, DC 20044-0000

Ronald E. LeFevre
Direct: 415-705-4604
[COR NTC Government]
OFFICE OF THE DISTRICT
COUNSEL
Department of Homeland Security
P.O. Box 26449
San Francisco, CA 94126-6449

IBRAHIMA MBODJI,

75

Petitioner

v.

MICHAEL B. MUKASEY, Attorney General,

Respondent

- 06/22/2007 1 FILED INS Petition for REVIEW and Motion for Stay. Docketed Cause and Entered Appearance of Counsel. Pursuant to G.O. 6.4(c)(1)(3) A TEMPORARY STAY OF REMOVAL IS IN EFFECT pending further order. The schedule is set as follows: Pursuant to G.O. 6.4(c)(1)(3), the schedule is set as follows: Cert. Admin. Record due 8/17/07 Response to motion for stay due 9/14/07 for Alberto R. Gonzales. (PROSE/MOATT) [07-72503]
- 06/22/2007 2 Filed Petitioner Ibrahima Mbodji's motion to stay deportation (see schedule above) [07-72503] served on 6/10/07 (MOATT) [07-72503]
- 06/22/2007 3 Filed Petitioner Ibrahima Mbodji's motion to proceed in forma pauperis.(MOATT) [07-72503] served on 6/10/07 [6212470] [07-72503]
- 06/22/2007 4 Detained: Yes [07-72503]
- 07/09/2007 5 Filed Petitioner Ibrahima Mbodji's motion for appointment of counsel. Served on 6/28/07. (MOATT) [07-72503] [6229957] [07-72503]
- 09/07/2007 6 Electronic Certified Administrative Record Filed. CD-ROMS: 1 [07-72503]
- 09/12/2007 10 Copy of letter received from Alberto R. Gonzales dated 9/5/07 addressed to: Mr. Mbodji re: a copy of the CAR will be filed in the Ninth Circuit Court of Appeals via CD-Rom. [07-72503]
- 09/14/2007 7 Filed notice of appearance of csl Julie M. Iversen as atty

76

		of record for Respondent Gonzales. [07-72503]
09/14/2007	8	Filed Respondent's opposition to petitioner's request for a stay of removal. Served 9/13/07. (MOATT) [07-72503]
10/01/2007	12	Filed Petitioner objection to respondent's motion opposition to petitioner's motion for stay of removal. Served on 9/25/07. (MOATT) [07-72503]
10/05/2007	15	Filed order (Betty B. FLETCHER, Marsha S. BERZON,): The motion to proceed in forma pauperis granted. The Clerk shall amend the docket to reflect this status. Petitioner's motion for appointment of counsel is denied because this petition for review does not present "exceptional circumstances" warranting the appointment of counsel. (CITE). No motions for reconsideration, clarification, or modification of this denial shall be filed or entertained. The motion for a stay of removal is granted. (CITE). The certified administrative record has been filed. The opening brief is due 1/7/08; the answering brief is due 3/7/08; and the optional reply brief is due within 14 days after service of the answering brief. [07-72503]
12/31/2007	16	Filed orig. & 7 copies Petitioner Ibrahima Mbodji's opening brief (Informal: Yes) of 28 pgs ; served on 12/15/07 [07-72503]
03/11/2008	17	Filed original and 15 copies Respondent Michael B. Mukasey brief of 21 pages. Served on 03/07/2008.
03/26/2008	18	Filed original and 7 copies of Petitioner Ibrahima Mbodji (Informal: No) reply brief of 33 pages. Served on 03/20/2008.

PACER Service Center			
Transaction Receipt			
05/20/2008 15:42:04			
PACER Login:	ux3449	Client Code:	

77

Description:	Docket Report (filtered)	Search Criteria:	07- 72503
Billable Pages:	1	Cost:	0.08

78